THE STATE OF TEXAS

§

**COUNTY OF CAMERON** 

§

BE IT REMEMBERED on the 25<sup>th</sup> day of July 2011, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Dancy Courthouse, thereof, in Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE BOARD MET AT:	PRESENT:
11:30 P.M.	DAVID E. ALLEX
	CHAIRPERSON
	DIRECTOR
	DAVID N. GARZA
	DIRECTOR
	DIRECTOR
	RUBEN GALLEGOS, JR.
	DIRECTOR
	JOHN WOOD
	DIRECTOR
	MARK ESPARZA
	DIRECTOR
	Secretary
	MICHAEL SCAIEF
	ABSENT
	YOLANDA VILLALOBOS
	ABSENT
	ABSENT
	ADSEN I

The meeting was called to order by Chairman David E. Allex at 11:30 A.M. At this time, the Board considered the following matters as posted and filed for Record in the Office of the County Clerk on this July 22, 2011, at 8:18 A.M.

#### **AGENDA**

Special Meeting of the Board of Directors of the Cameron County Regional Mobility Authority FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Jul 22,2011 at 08:18A

Joe G Rivera County Clerk By Massie Pena, Deputy Cameron County

Joe G. Rivera and Aurora de la Garza County Annex 1390 W. Expressway 77 San Benito, Texas 78586

Monday, July 25, 2011

#### 11:30 AM

I. Public Comments

#### **CONSENT ITEMS:**

All Items under the Consent Agenda are heard collectively unless opposition is presented, in which case the contested item will be considered, discussed and appropriate action taken separately.

- II. Consideration and Approval of the Minutes for July 15, 2011 Special Meeting
- III. Consideration and Approval of a Bronze Sponsorship for the Alliance for I-69 Luncheon
- IV. Consideration and Approval to add Board Director Ruben Gallegos, Jr., to the Evaluation Committee

#### **ACTION ITEMS:**

- V. Approval of Claims
- VI. Discussion and Possible Action Regarding Projects for TIGER III Funding
- VII. Consideration and Approval of Supplemental Work Authorization No. 5 to Work Authorization No. 7 with HNTB for the West Parkway Historic Resource Reconnaissance Survey and Report
- VIII. Consideration and Approval of Supplemental Work Authorization No. 9 to Work Authorization No. 16 with HNTB for West Rail Utility Coordination
  - IX. Consideration and Approval of Work Authorization No. 47 with HNTB for Construction Management Services for the Olmito Switchyard Expansion Phase II

X. Adjournment

Signed this 22 day of July, 2011

David E. Allex

Chairman

### **PUBLIC COMMENTS**

#### I. PUBLIC COMMENTS

Mark Esparza, Board Director mentioned unemployment statistics and that Cameron County had the second highest unemployment rates in the State. He mentioned that is why the creation of local jobs through the Cameron County Regional Mobility Authority is important.

## **CONSENT ITEMS**

ALL ITEM(S) UNDER THE CONSENT RMA AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED AND APPROPRIATE ACTION TAKEN SEPARATELY

#### II. Consideration and Approval of the Minutes for July 15, 2011 Special Meeting

Director Wood made a motion to approve the Minutes for July 15, 2011 Special Meeting. The motion was seconded by Director Garza and carried unanimously.

#### III. Consideration and Approval of a Bronze Sponsorship for the Alliance for I-69 Luncheon

Director Wood made a motion for the approval of a Bronze Sponsorship for the Alliance for I-69 Luncheon subject to Legal approval. The motion was seconded by Director Garza and carried unanimously.

#### IV. Consideration and Approval to add Board Director Ruben Gallegos, Jr., to the Evaluation Committee

Director Wood made a motion for the approval to add Board Director Ruben Gallegos, Jr., to the Evaluation Committee. The motion was seconded by Director Garza and carried unanimously.

Director Gallegos arrived to the meeting at 11:38 A.M.

# **ACTION ITEMS**

#### V. Approval of Claims

Martha Galarza presented three claims for approval, one for Pete Sepulveda, security reimbursement at \$120, one for JP Morgan Chase Bank for travel at \$2,974.90 and one for Cameron County Clerk at \$221.00 for filing fees for the condemnation lawsuit on Parcel 9 of the West Rail Project.

Director Gallegos made a motion to approve Claims as presented. The motion was seconded by Director Garza and carried unanimously.

The Claims are as follows:

#### VI. Discussion and Possible Action Regarding Projects for TIGER III Funding

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and advised the Board that after going back and looking at the criteria for submittal of projects it was Staff's recommendation to submit an application for the East Loop Project. Mr. Sepulveda mentioned that competition is going to be very tough from projects from throughout the state. Mr. Sepulveda went over process utilized last year and said that perhaps a different approach could be used this time around. Mr. Sepulveda suggested a workshop with the Board and invite the Staff from the Port of Brownsville as well.

Director Gallegos made a motion to acknowledge the report regarding Projects for TIGER III Funding as presented. The motion was seconded by Director Wood and carried unanimously.

# VII. Consideration and Approval of Supplemental Work Authorization No. 5 to Work Authorization No. 7 with HNTB for the West Parkway Historic Resource Reconnaissance

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and the reason for the Work Authorization. Mr. Richard Ridings with HNTB advised the Board that the Texas Department of Transportation (TxDOT) had originally done the Historical Survey. He mentioned that properties needed to be surveyed all along the route. He mentioned that once the Survey is accepted by the Historical Commission it is good for three years. A discussion ensued with the Board on the timing of doing the Survey since it is only good for three years. Mr. Sepulveda mentioned to the Board that TxDOT will not proceed with the review of the Environmental Assessment until the Survey is updated, thus, Mr. Sepulveda mentioned that we needed to add eighteen to twenty four months from the time TxDOT resumes their review of the Environmental Assessment to receive environmental clearance. Mr. Sepulveda also mentioned that we needed to take into account that in January 2013 we will have to be working towards getting CDA authority for this project so that should also be plugged into the equation for looking into a schedule. Mr. Sepulveda advised the Board that he would work with the GEC to develop a schedule that would take into consideration the CDA process, completing the Environmental Assessment and the design phase and come up with a best case scenario and worst case scenario.

Director Wood made a motion to TABLE this item. The motion was seconded by Director Esparza and carried unanimously.

# VIII. Consideration and Approval of Supplemental Work Authorization No. 9 to Work Authorization No. 16 with HNTB for West Rail Utility Coordination

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and reason for the Work Authorization. Mr. Richard Ridings with HNTB discussed the negotiations with TransMontaigne and the fact that interim protective measures are being developed that will allow the construction of the West Rail Project to proceed

Director Wood made a motion to approve to approve Supplemental Work Authorization No. 9 to Work Authorization No. 16 with HNTB for the West Rail Utility Coordination as presented. The motion was seconded by Director Garza and carried unanimously.

The Supplemental Work Authorization is as follows:

# IX. Consideration and Approval of Work Authorization No. 47 with HNTB for Construction Management Services for the Olmito Switchyard Expansion Phase II

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and advised the Board about the agenda item. Mr. Richard Ridings, with HNTB called out the amount of the work authorization, that being \$134,538.00. Mr. Sepulveda advised the Board that four bids were received and that he had submitted a written recommendation to the District Engineer. The District Engineer concurred with the recommendation and sent the recommendation to Austin. Mr. Sepulveda mentioned that ZIWA Corporation was the low bidder.

Director Garza made a motion to approve Work Authorization No. 47 with HNTB for Construction Management Services for the Olmito Switchyard Expansion Phase II. The motion was seconded by Director Wood and carried unanimously.

The Work Authorization is as follows:

#### X. ADJOURNMENT

There being no further business to come before the Board and upon motion by Director Gallegos seconded by Director Esparza and carried unanimously the meeting was **ADJOURNED** at 12:18 P.M.

APPROVED this 9th day of August, 2011.

CHAIRMAN DAVID E. ALLÉX

ATTESTED:

SECRETARY RUBEN GALLEGOS, JR.

V. APPROVAL OF CLAIMS

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July 29, 2011

I, \_\_\_\_\_\_\_\_, received \$120.00 from Pete Sepulveda, Jr., RMA Coordinator for Security Services provided at the Cameron County Regional Mobility Authority Board meeting at the Joe G. Rivera and Aurora de la Garza County Annex, 1390 W. Expressway 77 in San Benito on June 29, 2011.

110-1100. 6016

Signature

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Date

JPMORGAN CHASE BANK NA PO BOX 15918 MAIL SUITE DE1-1404 ACCOUNT NUMBER WILMINGTON DE 19850 5567 5379 0000 AMOUNT DUE \$14,99 CURRENT BALANCE վկլեկարվվի-ա-րկարկիկուհինկինութ \$14,99 Remit To: JPMORGAN CHASE BANK NA P.O. BOX 94016 PALALINE, IL 60094-403 AMOUNT 60094-4016 ENCLOSED ! արդվարդիրիննանինին և հեռությունների GAMERON COUNTY CYNTHIA LOPEZ P. O. BOX 3846 BROWNSVILLE T \*\*T00000135 JUL 1 8 2011 8523-3846 5567537900004149014° PLEASE TEAR PAYMENT COUPON AT DERFORATION STATEMENT MESSACIES This is your official invoice. COMMERCIA EACCOUNTES UM MARY ORGANIZATION NAME: CAMERON COUNTY ACCOUNT NUMBER: 5567537900004149 Cameron 12018 30 2974.90 PREVIOUS BALANCE 6,412.6 **CLOSING DATE** 07-11-11 **PURCHASES AND OTHER CHARGES CREDIT LIMIT** 75,000 11,164.5 **AVAILABLE CREDIT** 60.007 CASH ADVANCES **CREDITS** 2,583.9 FOR CUSTOMER SERVICE CALL: **PAYMENTS** 1-800-890-0669 LATE PAYMENT CHARGES ю. CASH ADVANCE FEE .0 SEND BILLING INQUIRIES TO: **FINANCE CHARGES** JPMORGAN CHASE BANK NA COMMERCIAL CARD SOLUTIONS P.O. BOX 2015 **NEW BALANCE** 14,993.20 MAIL SUITE IL1-6225 TOTAL PAYMENT DUE 14,993.20 **ELGIN. IL 60121** 

DISPUTED AMOUNT



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	Travel Activity		
Post Tran Date Date Reference Number 06-20 06-17 55417341169581594803779	Transaction Description AGNT FEE 89005466748995 OLE TRAVEL TX CANTU/GUSTAVO DEPART: 06-17-11 P.O.S.: SALES TAX: \$0.00 XAA XD XXAO		
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PMA	AGNT FEE 89005475751360 OLE TRAVEL TX SEPULVEDA/PEDRO DEPART: 06-25-11 P.O.S.: SALES TAX: \$0.00 XAA XD X XAO		
	SOUTHWES 5262183814545 DALLAS TX NO PO 115.40 SEPULVEDA/PEDRO DEPART: 06-29-14- NO PO 115.40 P.O.S.: SALES TAX: \$0.00 HRL WN K AUS WN K HRL		
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	Total Travel Activity	\$8,580.60		



## MEMORANDUM

To: Martha Galarza

Date: July 18, 2011

**County Auditor** 

From:

Pete Sepulveda, Jr. 100

RMA Coordinator

Subject:

West Rail Project - Parcel 9

Please issue a check in the amount of \$221.00 (PO #167011) for Parcel 9, West Rail Relocation Project.

Payable to:

CAMERON COUNTY CLERK

You may call this office at Ext. 5414, when check is ready to be picked up.

Thank you.

110.

VIII. CONSIDERATION AND APPROVAL OF SUPPLEMENTAL WORK AUTHORIZATION NO. 9 TO WORK AUTHORIZATION NO. 16 WITH HNTB FOR WEST RAIL UTILITY COORDINATION

#### CAMERON COUNTY REGIONAL MOBILITY AUTHORITY

General Engineering Consultant Services

# SUPPLEMENTAL WORK AUTHORIZATION NO. 9 TO WORK AUTHORIZATION NO. 16 West Rail Design

This Supplemental Work Authorization No. 9 to Work Authorization No. 16 is made pursuant to the terms and conditions of the Base Contract, effective February 16, 2006, hereinafter identified as the "Agreement", entered into by and between Cameron County Regional Mobility Authority (the "AUTHORITY"), and HNTB Corporation (the "CONSULTANT").

The following terms and conditions of the Work Authorization are hereby amended as follows:

Part 1. The Consultant will provide the following engineering services:

The responsibilities of the Consultant are amended to include the efforts detailed in Exhibit B.

**Part 2.** The Lump Sum amount payable for services performed under this Supplement Work Authorization No. 9 to Work Authorization No. 16 is **\$14,098.00**, which increases the total amount payable under Work Authorization No. 16 from \$455,222.00 to \$469,320.00. A fee schedule used to establish the supplemental amount payable is attached hereto as Exhibit D. The CONSULTANT may alter the compensation distribution between individual phases, tasks or work assignments to be consistent with the services actually rendered, within the total lump sum amount.

The lump sum includes compensation for the services, subconsultant costs, if any, and appropriate factors for labor, overhead, profit and reimbursable expenses.

Although the CONSULTANT recognizes and accepts the ordinary risks and/or benefits of a lump sum fee structure, the parties agree to negotiate adjustment of the lump sum amount if there has been, or is to be, a material change in the: (a) scope, complexity or character of the services or the project; (b) conditions under which the services are required to be performed; or (c) duration of the services, if a change in the schedule warrants such adjustment in accordance with the terms of this Agreement.

**Part 3.** This Supplemental Work Authorization No. 9 to Work Authorization No. 16 is effective as of July 25, 2011 and will extend the termination date of **February 28, 2011**, to **October 31, 2011**, unless extended by a Supplemental Work Authorization.

- **Part 4.** This Supplemental Work authorization No. 9 to Work Authorization No. 16 does not waive the parties' responsibilities and obligations provided under the Agreement.
- Part 5. This Supplemental Work Authorization No. 9 to Work Authorization No. 16 is hereby accepted and acknowledged below.

CONSULTANT	AUTHORITÝ:
HNTB Corporation	Cameron County, Regional Mobility Authority
By: Kill Rif Signature	By: Mes Signature
Richard L. Ridings, P.E. Printed Name	David E. Allex
Finited Name	Printed Name
Vice President	Chairman
Title	Title
7/25/11	7-25.11
Date	Date

IX. CONSIDERATION AND APPROVAL OF WORK AUTHORIZATION NO. 47 WITH HNTB FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE OLMITO SWITCHYARD EXPANSION PHASE II

#### **CAMERON COUNTY REGIONAL MOBILITY AUTHORITY**

**General Engineering Consultant Services** 

**WORK AUTHORIZATION NO. 47** 

UPRR Olmito Yard Repair-In-Place (RIP) Facility - Construction Inspection Services

This Work Authorization No. 47 is made pursuant to the terms and conditions of the Base Contract, effective February 16, 2006, hereinafter identified as the "Agreement", entered into by and between Cameron County Regional Mobility Authority (the "AUTHORITY"), and HNTB Corporation (the "CONSULTANT").

Part 1. The CONSULTANT will provide the following engineering services:

The responsibilities of the AUTHORITY, the CONSULTANT and the schedule are further detailed in Exhibits A, B, C and D.

**Part 2.** Without modification, the amount payable for services performed under this Lump Sum Work Authorization No. 47 is **\$134,538.00**. A fee schedule used to establish the amount payable is attached hereto as Exhibit D. The CONSULTANT may alter the compensation distribution between individual phases, tasks or work assignments to be consistent with the services actually rendered, within the total lump sum amount.

The lump sum includes compensation for the services, subconsultant costs, if any, and appropriate factors for labor, overhead, profit and reimbursable expenses.

Although the CONSULTANT recognizes and accepts the ordinary risks and/or benefits of a lump sum fee structure, the parties agree to negotiate adjustment of the lump sum amount if there has been, or is to be, a material change in the: (a) scope, complexity or character of the services or the project; (b) conditions under which the services are required to be performed; or (c) duration of the services, if a change in the schedule warrants such adjustment in accordance with the terms of this Agreement.

- Part 3. Payment to the CONSULTANT for the services established under this Work Authorization No. 47 shall be made in accordance with the Agreement.
- **Part 4.** This Work Authorization No. 47 is effective as of July 25, 2011 and shall terminate July 31, 2012, unless extended by a Supplemental Work Authorization.
- Part 5. This Work Authorization does not waive the parties' responsibilities and obligations provided under the Agreement.

WA47 Attach E.docx 40619

Page 1 of 2

7/26/2011

Attach E

## Part 6. This Work Authorization No. 47 is hereby accepted and acknowledged below.

CONSULTANT HNTB Corporation	AUTHORITY: Cameron County Regional Mobility Authority
By: Kill 2. Kilys Signature	By: Nant S. Aller Signature
Richard L. Ridings, P.E. Printed Name	David E. Allex Printed Name
Vice President Title	<u>Chairman</u> Title
7/2 <i>s</i> /11	7.25.17 Date

#### LIST OF EXHIBITS

Exhibit A – Services to be Provided by the Authority

Exhibit B - Services to be Provided by the Consultant

Exhibit C - Work Schedule

Exhibit D - Fee Schedule