

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 27th day of November 2012, there was conducted a Special Meeting of the Cameron County Regional Mobility Authority, at the Joe G. Rivera and Aurora de la Garza County Annex thereof, in San Benito, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE BOARD MET AT:

12:00 Noon

PRESENT:

DAVID E. ALLEX
CHAIRPERSON

MICHAEL SCAIEF
DIRECTOR

DAVID N. GARZA
DIRECTOR

NAT LOPEZ
DIRECTOR

DIRECTOR

DIRECTOR

MARK ESPARZA
DIRECTOR

Secretary

RUBEN GALLEGOS, JR.
ABSENT

HORACIO BARRERA
ABSENT

ABSENT

The meeting was called to order by Chairman David E. Allex at 12:00 Noon. At this time, the Board considered the following matters as per RMA Agenda posted and filed for Record in the Office of the County Clerk on this 21st day of November, 2012 at 12:25 P.M.



AGENDA

**Special Meeting of the Board of Directors
of the
Cameron County Regional Mobility Authority**

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

Tuesday, November 27, 2012

12:00 Noon

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Nov 21, 2012 at 12:25P

PUBLIC COMMENTS:

1. Public Comments

Joe G Rivera
County Clerk
By
David Jacinto, Deputy
Cameron County

CONSENT ITEMS:

2. 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

A. Consideration and Approval of the Minutes for:

November 16, 2012 – Special Meeting

B. Consideration and Authority to allow Staff to request RFQ's for a Traffic and Revenue Study for the 2nd Access Project and Outer Parkway Project

ITEMS FOR DISCUSSION AND ACTION:

3. Action Items

A. Approval of Claims

B. Discussion and Possible Action regarding Cameron County Regional Mobility Authority Projects including SH 550 Port Spur, SH 550 Direct Connector, US 77, SH 32, SPI 2nd Access, Outer Parkway, West Rail Relocation Project, Veterans Bridge Expansion Project and FM 803 Project

C. Consideration and Approval of a Resolution Establishing and Amending the Toll Rates for the SH 550 Toll Road

D. Discussion and Possible Action regarding CCRMA's website

EXECUTIVE SESSION ITEMS:

4. Executive Session

A. Deliberation and Discussion regarding acquisition of Parcel 9 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

B. Deliberation and Discussion concerning the duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to V.T.C.A. Government Code, Section 551.074

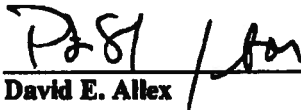
5. Action Relative to Executive Session

A. Possible Action

B. Possible Action

ADJOURNMENT:

Signed this 21st day of November 2012



David E. Alex
Chairman

PUBLIC COMMENTS

1 PUBLIC COMMENTS

None were presented

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

2-A Consideration and Approval of the Minutes for:

November 16, 2012 – Special Meeting

Director Lopez moved to approve the minutes for November 16, 2012. The motion was seconded by Director Garza and carried as follows:

AYE: Director Lopez, Director Garza and Director Scaief

NAY: None

ABSTAIN: Chairman Alex and Director Esparza

2-B Consideration and Authority to allow Staff to request RFQ's for a Traffic and Revenue Study for the 2nd Access Project and Outer Parkway Project

Director Esparza moved to allow Staff to request RFQ's for a Traffic and Revenue Study for the 2nd Access Project and Outer Parkway Project. The motion was seconded by Director Scaief and carried unanimously.

ACTION ITEMS

3-A Approval of Claims

The attached claims were presented to the Board of Directors for approval.

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced Claims into the record.

Director Garza moved to approve the Claims. The motion was seconded by Director Scaief and carried unanimously.

The Claims are as follows:

3-B Discussion and Possible Action regarding Cameron County Regional Mobility Authority Projects including SH 550 Port Spur, SH 550 Direct Connector, US 77, SH 32, SPI 2nd Access, Outer Parkway, West Rail Relocation Project, Veterans Bridge Expansion Project and FM 803 Project

Mr. Pete Sepulveda, Jr., RMA Coordinator introduced the item and went through a detailed status report of the following Projects: SH 550 Port Spur, SH 550 Direct Connector, U.S. 77, SH 32, SPI 2nd Access, Outer Parkway, West Rail, Veterans Bridge Expansion and FM 803 Projects. See attached written status report.

Director Esparza moved to acknowledge the Report of the Cameron County Regional Mobility Authority Projects including SH 550 Port Spur, SH 550 Direct Connector, US 77, SH 32, SPI 2nd Access, Outer Parkway, West Rail Relocation Project, Veterans Bridge Expansion Project and FM 803 Project. The motion was seconded by Director Lopez and carried unanimously.

3-C Consideration and Approval of a Resolution Establishing and Amending the Toll Rates for the SH 550 Toll Road

Mr. Pete Sepulveda, Jr., RMA Coordinator recommended that the Resolution with the Toll Rates be approved. Toll Rates are the same as on the existing Toll Gantry.

Director Garza moved to approve the Resolution setting Toll Rates for the New Gantry. The motion was seconded by Director Scaief and carried unanimously.

The Resolution is as follows:

3-D Discussion and Possible Action regarding CCRMA's website

Mr. Ben Guerrero with Breeden McCumber Guerrero went over the changes proposed to the CCRMA's website. The Board made some recommended change to Mr. Guerrero and would like to proceed with the changes recommended.

Director Esparza moved to acknowledge the presentation regarding CCRMA's website. The motion was seconded by Director Garza and carried unanimously.

EXECUTIVE SESSION ITEMS

Director Esparza moved to go into Executive Session; the motion was seconded by Director Lopez and carried unanimously, the Board met in Executive Session at 1:09 P.M. to discuss the following matter(s):

EXECUTIVE SESSION:

4-A Deliberation and Discussion regarding acquisition of Parcel 9 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072

4-B Deliberation and Discussion concerning the duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to V.T.C.A. Government Code, Section 551.074

Director Scaief moved to reconvene into Regular Session. The motion was seconded by Director Esparza and carried unanimously, the Board reconvened into Regular Session at 1:34 P.M.

ACTION RELATIVE TO EXECUTIVE SESSION:

- 5-A Deliberation and Discussion regarding acquisition of Parcel 9 for the West Rail Relocation Project pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072**

Director Scaief moved to acknowledge report of Counsel. The motion was seconded by Director Garza and carried unanimously.

- 5-B Deliberation and Discussion concerning the duties of the Cameron County Regional Mobility Authority Coordinator, Pete Sepulveda, Jr., pursuant to V.T.C.A. Government Code, Section 551.074**

Director Esparza moved to acknowledge report of Counsel. The motion was seconded by Director Lopez and carried unanimously.

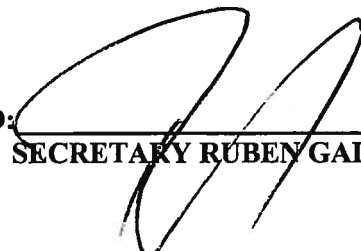
ADJOURNMENT

There being no further business to come before the Board and upon motion by Director Garza seconded by Director Esparza and carried unanimously the meeting was **ADJOURNED** at 1:35 P.M.

APPROVED this 10th day of December 2012.



CHAIRMAN DAVID E. ALLEX

ATTESTED: 

SECRETARY RUBEN GALLEGOS, JR.

3-A APPROVAL OF CLAIMS



**Cameron County Regional Mobility Authority
Daily Check Register 11/27/2012**

FY 2013

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<u>Check No.</u>	<u>Vendor Name</u>	<u>Fund</u>	<u>Dept.</u>	<u>Purpose</u>	<u>PO#</u>	<u>Amount</u>
00001393	BREEDEN MCCUMBER	111	1121	SH 550 "FUTURE DRIVEN" MARKETI	P168488	2,650.00
Check No. 00001393 Total						2,650.00
00001394	CENTRAL TEXAS REGIONAL MOBILIT	111	000	BOND PROCEEDS FOR SH550 TOLL	P155103	9,348.66
			1121	BOND PROCEEDS FOR SH550 TOLL	P155103	4,674.33
Check No. 00001394 Total						14,022.99
00001395	LOCKE LORD BISSELL AND LIDDELL	110	000	RMA LEGAL SERVICES;	P184340	9,569.11
			000	RMA LEGAL SERVICES;	P184340	552.50
			000	RMA LEGAL SERVICES;	P184340	14,311.88
			000	RMA LEGAL SERVICES;	P184340	15,387.08
			000	RMA LEGAL SERVICES;	P184340	562.06
			000	RMA LEGAL SERVICES;	P184340	7,926.25
			000	RMA LEGAL SERVICES;	P184340	9,902.50
			000	RMA LEGAL SERVICES;	P184340	11,233.82
			000	RMA LEGAL SERVICES;	P184340	985.59
			000	RMA LEGAL SERVICES;	P184340	127.50
			000	RMA LEGAL SERVICES;	P184340	5,523.75
			000	RMA LEGAL SERVICES;	P184340	18,815.84
			000	RMA LEGAL SERVICES;	P184340	16,957.79
			000	RMA LEGAL SERVICES;	P184340	1,021.08
			000	RMA LEGAL SERVICES;	P184340	8,540.09
			000	RMA LEGAL SERVICES;	P184340	1,726.57
			000	RMA LEGAL SERVICES;	P184340	3,124.76
			000	RMA LEGAL SERVICES;	P184340	6,771.24
			110	RMA LEGAL SERVICES;	P184340	114.31
			110	RMA LEGAL SERVICES;	P184340	14,618.07
			110	RMA LEGAL SERVICES;	P184340	583.11
Check No. 00001395 Total						148,354.90
00001396	SEPULVEDA,PETE	110	110	TRVL SAN ANT 11/18-20/12		555.95
			110	TRVL AUSTIN 11/20-21/12		182.52
Check No. 00001396 Total						738.47
Total for All Checks:						165,766.36

Print Date: 11/27/2012 **Print By:** HENDRICK

**3-C CONSIDERATION AND APPROVAL OF A RESOLUTION
ESTABLISHING AND AMENDING THE TOLL RATES FOR THE SH
550 TOLL ROAD**

**SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE CAMERON COUNTY
REGIONAL MOBILITY AUTHORITY**

AMENDMENT TO RESOLUTION ON ADOPTION OF SH 550 TOLL RATES

WHEREAS, the Cameron County Regional Mobility Authority (“CCRMA”) was created pursuant to the request of Cameron County and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.01, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the CCRMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, pursuant to Chapter 370 of the Texas Transportation Code and the rules appearing in 43 Tex. Admin. Code § 27.50 *et seq.* (the “Toll Equity Rules”), a regional mobility authority may submit to the Texas Department of Transportation (“TxDOT”) a request for financial assistance to be used in connection with the development, construction, operation, and maintenance of turnpike projects; and

WHEREAS, the CCRMA is governed by Chapter 370 of the Texas Transportation Code, which authorizes regional mobility authorities to study, evaluate, design, finance, acquire, construct, maintain, repair, and operate transportation projects, individually or as one or more systems, provided that the projects are included in a plan approved by the applicable metropolitan planning organization and that the projects are consistent with the statewide transportation plan and the statewide transportation improvement program; and

WHEREAS, Senate Bill 792 (“SB 792”) enacted by the 80th Texas Legislature requires that a market valuation be determined for proposed toll projects, and that the valuation be determined based on terms and conditions agreed to by TxDOT and the “local toll project entity” within whose jurisdiction the project is located—in this case the CCRMA; and

WHEREAS, on June 14, 2007, the Texas Transportation Commission (the “Commission”) approved Minute Order Number 110964 (as amended by Minute Order Number 110974, dated June 28, 2007) in which it (i) approved a list of candidate projects for development, construction, and operation as toll projects; and (ii) authorized the initiation of the process for establishing terms and conditions for the development of market valuations for those projects; and

WHEREAS, TxDOT’s Pharr District (the “District”) and the CCRMA agreed to begin discussions to develop a market valuation for the SH 550 Project; and

WHEREAS, on June 26, 2008, the Commission approved Minute Order 111410 in which it adopted certain policies regarding the market valuation process, including policies related to the agreement on the terms and conditions for the development, construction,

and operation of a toll project, agreement on the valuation of a toll project, and the waiver of the development of a market valuation as authorized in Section 228.0111(f-1); and

WHEREAS, the initial project scope was set forth by TxDOT and CCRMA in the session on April 16, 2008. By letter dated June 23, 2008, the CCRMA set forth the additional business terms and conditions of the SH 550 Project that would be agreeable to the CCRMA. The CCRMA further noted that if such terms and conditions were acceptable to TxDOT, that the waiver provisions of Section 228.0111(f-1) should be utilized to waive the formal development of a market valuation for the SH 550 Project; and

WHEREAS, TxDOT evaluated the terms and conditions and determined that the development of a market valuation for the SH 550 Project should be waived; and

WHEREAS, following the formal waiver of development of a market valuation of the SH 550 Project the CCRMA presented the terms and conditions to the Brownsville Metropolitan Planning Organization (“the MPO”) for its consideration pursuant to Section 228.0111(g). The MPO approved the terms and conditions on September 23, 2009; and

WHEREAS, effective September 9, 2009, a Market Valuation Agreement incorporating the initial terms and conditions was executed on behalf of TxDOT and the CCRMA; and

WHEREAS, on November 10, 2009, the Federal Highway Administration (“FHWA”) issued a Finding of No Significant Impact (“FONSI”) pursuant to an Environmental Assessment (“EA”) prepared for the SH 550 Project. The EA and FONSI covered project limits that extended beyond those covered by the initial terms and conditions and the Market Valuation Agreement; and

WHEREAS, on December 11, 2009, CCRMA submitted a written request to the District to amend the previously agreed to terms and conditions and the Market Valuation Agreement to reflect the extended project limits for SH 550 which are incorporated in the EA and FONSI. Specifically, CCRMA proposed that the “Project Scope” element of the terms and conditions be amended with no changes to the other terms and conditions; and

WHEREAS, on January 13, 2010, the District responded by letter to CCRMA’s request to amend the previously agreed to terms and conditions and the Market Valuation Agreement to reflect the extended project limits for SH 550, and the CCRMA confirmed in writing its concurrence with the amended terms and conditions; and

WHEREAS, TxDOT has evaluated the requested amendment to the terms and conditions and to the Market Valuation Agreement and has determined that amendment does not affect the previous determination that a market valuation for the SH 550 Project should be waived.

NOW THEREFORE, BE IT RESOLVED, that the CCRMA Board of Directors hereby approves and adopts this amendment to the Toll Rates for the SH 550, attached hereto as Attachment "A" and Attachment "B"; and

BE IT FURTHER RESOLVED, that the CCRMA will initiate a no toll introductory period of 60 days for the new toll gantries; and

BE IT FURTHER RESOLVED, that the CCRMA Toll Rate for SH 550 may be amended from time to time at the discretion of the Board of Directors of the CCRMA; and

BE IT FURTHER RESOLVED, that the RMA Coordinator is directed to take such steps as may be necessary to effectively communicate the CCRMA's Toll Rates for SH 550; and

BE IT FURTHER RESOLVED, that the CCRMA shall develop and implement a marketing program to provide general information on toll rates and how they are set to the general public.

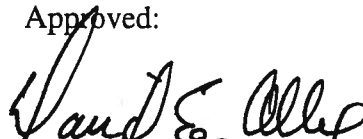
Adopted by the Board of Directors of the Cameron County Regional Mobility Authority on the 27th day of November, 2012.

Submitted and reviewed by:








Pete Sepulveda, Jr.
RMA Coordinator for the
Cameron County Regional Mobility Authority

Approved:



David E. Alex
Chairman, Board of Directors
Date Passed: 11/27/12

Attachment A
SH 550 Toll Gantry Overpass - Amended November 27, 2012

<u>Vehicle Type</u>	<u>At the Main Toll Gantry</u>
2 Axles 	\$.50
3 Axles 	\$1.00
4 Axles 	\$1.50
5 Axles 	\$2.00
6 or More Axles 	\$2.50

Setting the toll rate:

Market Valuation for SH 550 completed setting toll rates, toll rates escalation and methodology.

TXDOT Approval

CCRMA Approval

MPO Approval

Attachment "B"

The table below lists toll rates for **Pay By Mail**.

Vehicle Type	Toll Rate Pay By Mail
2 Axles	\$0.67
3 Axles	\$1.34
4 Axles	\$2.01
5 Axles	\$2.68
6 or More Axles	\$3.35