



**MINUTES OF THE ABILENE METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD
September 18, 2012**

The Abilene MPO Transportation Policy Board met at 1:30 p.m., Tuesday, September 18, 2012, in the City Council Chambers at Abilene City Hall, 555 Walnut Street, Abilene, Texas.

Members Present:

Council Member Joe Spano, City of Abilene
Judge Downing Bolls, Taylor County
Judge Dale Spurgin, Jones County

Members Absent:

Mayor Norm Archibald, City of Abilene, Chair
District Engineer Lauren Garduno, P.E., Texas Department of Transportation (TxDOT)

Non-voting Members Present:

None

Others Present:

Mr. Joe Clark, TxDOT West Region, MPO Coordinator
Ms. Darah Waldrip, TxDOT Public Information Officer
Mr. Chad Carter, City of Abilene
Mr. James Condry, City of Abilene
Mr. Jon James, City of Abilene
Ms. Megan Santee, City of Abilene
Mr. Stanley Smith, City of Abilene
Mr. Mike McMahan, Chamber of Commerce
Mr. Alan Hufstutler, TxDOT Area Engineer
Mr. John Mangalonzo, Abilene Reporter-News
Ms. Debra Turner
Mr. Blair Haynie, TxDOT TP&P

MPO Staff in Attendance:

Ms. E'Lisa Smetana, Abilene MPO Staff
Mr. Dean Carter, Abilene MPO Staff

MPO Staff Absent:

Mr. Thomas Cook, Abilene MPO Staff

1. Call to Order.

Vice-Chair Spurgin announced that a quorum was present and called the meeting of the Abilene Metropolitan Planning Organization Transportation Policy Board to order at 1:30 p.m.

2. Consideration of Approval of the Minutes of the July 24, 2012 Meeting.

The question was asked if there were any corrections, additions, or deletions to the minutes as presented of the July 24, 2012 meeting. Hearing none, the motion to accept the minutes as presented was made by Judge Bolls and seconded by Councilman Spano.

Motion carried.

3. Discussion and Consideration of Approval of the MPO/TxDOT/City of Abilene Planning Agreement.

Ms. Smetana explained that the current contract expires on September 30 of this year. TxDOT has changed the wording – it’s now called an “Agreement” and not a “Contract”. We received a draft copy of their new Agreement in late February. The TEMPO (Texas Association of MPOs) Executive Committee and TxDOT have been trying to work out issues that the MPOs had with the proposed Planning Agreement. Some of the issues are the Maritime Law, the Disadvantaged Business Enterprise (DBE) requirements, the Energy Policy and Conservation Act, the State’s Uniform Grant Management Standards (UGMS), and the FTA’s Mass Transit Drug Use Enforcement.

In the packet is a copy of a letter dated July 26 from the Federal Highway Administration (FHWA) stating that the MPO is not subject to the DBE requirements using PL funds.

The MPO staff has submitted changes to the legal department and they have reviewed the proposed changes. They have also discussed this with the City. The TAC also reviewed the proposed changes to the Agreement at their September 6th meeting. The direction we have received from TxDOT is to for us to make changes to the document, submit it to TxDOT-Austin, and they will send back any comments they have on the Agreement.

Judge Spurgin had a question on Article 15 which pertains to contracts in excess of \$25,000. His question was, are most contracts in excess of \$25,000? Ms. Smetana replied the answer is no, because this is geared more toward consultants, and the MPO has not contracted for any special studies (e.g. traffic analysis, or a study of traffic flow in the downtown area) for at least a couple of years. Judge Spurgin said the limit has been raised to \$50,000 for municipalities and counties, and wondered if there is anything in the Agreement raising the limit also.

Ms. Smetana continued that this Agreement is scheduled to go before City Council on September 27th and we are asking the Policy Board to recommend that Staff continue to talk with the City and the Legal Department to get the details worked out so we can meet the September 30th deadline.

Judge Spurgin asked if there would be any changes between now and the time it goes before the City Council. Ms. Smetana replied she does not expect any changes. Everything the City and the MPO suggested has been incorporated. Mr. Stanley Smith, with the Legal Department echoed Ms. Smetana’s comment that if there are any changes he is not aware of what they may be. At this point it’s going to be presenting it to the State and see what their response is. Judge Spurgin asked, if there were any changes would it have to come back to the MPO before it is submitted to the State, since we are signing off on a draft? Mr. Smith said if the City or City Council made any changes, it would have to come back to the MPO before it is submitted to the State. The Policy Board would have to approve any changes to the Agreement. If this were to occur it may necessitate a special meeting.

Judge Spurgin said he would entertain a motion to approve the Planning Agreement be sent to TxDOT-Austin. The motion to approve the MPO/TxDOT/City of Abilene Planning Agreement was made by Councilman Spano and the second was by Judge Bolls.

Motion carried.

4. Discussion and Consideration of Approval of the Amendment to the FY 2012 Unified Planning Work Program (UPWP).

Ms. Smetana said the purpose of this Amendment is for “clean up” work. There are specific dollar amounts budgeted for work in each of the Tasks and Subtasks. To date, we have performed more work in Tasks 1, 2, and 3 than we have in Task 4. If we go over the budgeted amount in any Subtask by 25% or more then funds have to be shifted to balance the budget prior to the close of the Fiscal Year. This requires an amendment to the UPWP, approval by the Policy Board, and then submittal to TxDOT.

The UPWP was prepared earlier in the year and the numbers were an estimate. This explains why Tasks 1, 2, and 3 are at 103.30%, 98.45%, and 170.10% respectively. Specifically, Task 1.1 needs to increase by \$20,000; Task 1.3 needs to increase by \$10,000; Task 2.1 needs to increase by \$15,000; and Task 3.1 needs to increase by \$15,000, for a grand total of \$60,000. The carryover balance is currently \$250,549 from which \$60,000 will need to be transferred from the carryover funds to the FY 2012 budget to balance. These are the requested changes to the UPWP. The budget spreadsheet shows the detailed expenditures and balances.

One change that is *not* included in your packet or on the slides pertains to the MPO’s FY 2012 PL 112 funding in the amount of \$174,483.80, instead of the \$192,699. This is information we just received. The \$174,483.80 (PL-112 funds) plus \$49,524 (FTA Section 5303 funds) equals \$224,007.80. This change needs to be noted by the Board members and included in the motion so we can get this changed also.

The motion to approve this FY 2012 UPWP Amendment was made by Council Member Spano and the second was from Judge Spurgin.

Motion carried.

**5. Discussion and Review of Transportation Projects.
(By TxDOT Staff, City Staff, CityLink Staff)**

Mr. Hufstutler discussed the status of several TxDOT projects, two maintenance projects that have just been let: Hwy 83 between FM 707 and Iberis Road is base failure repair but will be suspended soon for the winter and will resume next Spring when they apply a final seal coat. The other project is at the State School which will start in 2 to 3 months. This consists of performing some rehabilitation work that is mandated. FM 600 (West Lake Road) has fallen behind schedule. The contractor is being charged liquidated damages (LD) and will probably be in the LD position for another 4 or 5 days or so at which time the project should be complete. Right now the weather (rain) is keeping the contractor from completing the job. FM 2833 (East Lake Road) is moving along. The paving portion should be completed by the end of October. This contractor is also 30 or 40 days into LD. The problem here is the lack of haul-truck. This should be rectified within the next week or so. This project should have only the final remaining details yet to be finished which are installing mail boxes, signage, and other minor aspects. The Interstate emergency crossover project was completed last month. The Fort Phantom Hill Visitor’s Center has about one month’s worth of “punch list” work to be completed and this project will also be finished. The western 2/3 of FM 89 between Coronado’s Camp and Nolan should be seal coated this coming week if the weather is good. The eastern 1/3 will be finished over the coming months. The I-20 Frontage Roads project between Loop 322 and Pine Street had an anticipated starting date of September or early October but is going to be pushed back to late October or early November. Contractually they must start by November 28th because time charges begin on this date.

Mr. Haynie gave us two updates: the first was the frontage road conversion project beginning at Iberis Road and extending north to Canyon Rock along Hwy. 83/84 and also from Loop 322 from the Waldrop interchange to back over to SH 36. TxDOT is in the process of doing some serious negotiating on the contracts at this time with a provider because there seems to be a misunderstanding of exactly what work is to be performed and how much it cost. This will include moving the ramps back from Canyon Rock to avoid congestion and problems in the vicinity of the future Sam's Club. This includes building acceleration/deceleration lanes by Iberis Road. TxDOT wants to remove the cross-over in the median around Iberis Road. He anticipates starting the public comments/public meetings around the first of the year.

The second matter Mr. Haynie discussed was TxDOT's call for Transportation Enhancement projects. Communities and Counties have the opportunity to submit applications/projects. The application due date is November 16th. He noted there has been a tremendous change in the rules. The total amount available is \$70 million, with half going to Transportation Management Areas (TMAs).

Mr. Chad Carter, the City Engineer, described the work going on in the City of Abilene: the South Side Miscellaneous Streets Phase II is wrapping up. This area is from Butternut to South 7th Street to Sayles to South 14th Street. There is still some paving to be done on South 8th Street from Sayles to Butternut. Rain caused delays or this project would have been completed by now. Miscellaneous Repair work is an "on-demand" type of contract. Currently about 90% of the money has been spent. The Miscellaneous Seal Coat Project is substantially complete. The Water Department street repair work is also an "on-demand" type of contract.

A project was bid this morning for drainage, street and sidewalk improvements, from Leggett to South 7th to Danville to South 14th, including reconstructing the intersection at South 7th and Leggett. Another project is for sidewalks and drainage improvements from Mockingbird, North 10th, Grape, and North 1st. Several of the streets in this area were not in the needed condition for seal coating so they will be milled and an overlay put down. There are four separate seal coat projects grouped together and advertised as one single project and this will be bid in a couple of weeks. The South 1st Street Enhancement Project from Locust Street to Butternut Street is in the design phase. It was originally scheduled to be completed this year but will be delayed until July 2013. City Council awarded the contract for the EN 13th Street project from Treadaway to Judge Ely. The design should be underway soon.

Ms. Smetana said CityLink has installed a new bus wash system. They will also order 10 new Paratransit vans, with delivery to begin in early 2013.

No action was required or taken on this item.

6. Discussion and Review of Reports:

- **Financial Status, FY 2013 Budget Estimates**
- **Operation Report**
- **Director's Report**
 - **Transportation Reauthorization Bill/Legislative Update**
 - **MPO Website Update**
 - **Events – Walk to School Day**

- **Financial Status**

Ms. Smetana said TxDOT asked the MPO to get our billing submitted faster and this has

improved considerably. The FY 2012 spreadsheet shows \$532,218.31 was authorized, our year-to-date expenses, through July, total \$203,277.47, which leaves a remaining balance of \$328,940.84. The August and September billings are not yet processed.

- **FY 2013 Budget Estimates**

Ms. Smetana directed attention to the Supplemental Agenda Information page in the packet describing the TEMPO Executive Committee working with TxDOT trying to find an equitable funding formula. There are 12 MPO Directors plus 7 TEMPO Executive Committee Members supporting the proposed FY 2013 TPF Funding Allocation (which is essentially to use the existing allocation formula for FY 2013). (There was only one response not in support). The issue TEMPO and TxDOT are trying to resolve is the creation of several new MPOs and TMAs and their impact in dividing up a limited amount of money equitably. The recommendation from TEMPO to TxDOT will be to use this formula for FY 2013, and to continue to work to find an acceptable formula for FY 2014.

The Abilene MPO's anticipated PL funding is projected to be \$152,154, the FTA 5303 funding is projected to be \$49,524, and the estimated carryover PL funds are \$294,496, for a total current funding, including the carryover of \$496,174. Steadily decreasing Federal funds coupled with the new MPOs and TMAs means all MPOs and TMAs are significantly affected.

- **Operation Report**

Ms. Smetana stated the detailed Operation Report is for the period of July 14 through September 14, and is included in the packet but a few highlights include: The MPO's new website was launched in August; we now have a Twitter and Facebook account; we are working on the FY 2012 Annual Performance and Expenditures Report (APER) and the Annual Listing of Obligated Projects Report (APL) (both are due in December); we have been evaluating office sites; we partnered with TxDOT, Abilene Police Department, Department of Public Safety, and Keep Abilene Beautiful at a booth at the West Texas Fair and Rodeo; we designed and purchases some promotional items; we're working with the City and CityLink in producing maps that we will be using for public involvement in the near future.

- **Director's Report**

- **Transportation Reauthorization Bill/legislative Update**

Ms. Smetana said the Reauthorization Bill was passed on July 6th. The majority of MAP-21 will take effect on October 1st, but not everything. There are performance measures included but we are waiting on guidance and direction on how to proceed and implement these measures.

- **MPO Website Update**

There are comment and notification forms on the website. We also had these out at the Fair and we expect to see more public participation.

- **Events – Walk to School Day**

We are working with AISD and Wylie ISD on the annual National Walk to School Day coming up on October 3rd. We will be partnering with a lot of people and agencies/departments, and the media. We will be going before City Council on September 27 asking for a Proclamation of the event.

We are also looking at other annual events – there is a Bike to School Day in May, a Ride to Work Day (mainly motorcycles and scooters) in June, and also a Bike to Work Day. We are concentrating on these four annual events to involve the public to promote healthy lifestyles, transportation alternatives, safety and many other benefits.

No action was required or taken on this item.

- 7. Discussion and Possible Action Regarding Interlocal Lease Agreement. (Executive Session)**
Item 7 was temporarily skipped because it involved an Executive Session. Vice-Chair Spurgin moved on to Items 8 and 9. Item 7 was considered in Executive Session after Items 8 and 9. The MPO Policy Board adjourned and went into Executive Session under Texas Government Code Sections 551.071(Consultation with Attorneys) and 551.072 (Deliberation about Real Property) at 2:22 p.m. They returned at 2:47 p.m.

Vice-Chair Spurgin announced that the MPO Policy Board reconvened at 2:47 p.m. They were in Executive Session discussing Item # 7, the Interlocal Lease Agreement.

Judge Spurgin said the MPO staff has been looking for an alternate location to move to and has spent several months researching potential office locations. We have reached the point where we need to authorize the staff, along with the City of Abilene as the fiscal agent, and the Legal Department to negotiate and execute a lease agreement on their behalf so this can proceed through that process. That was the purpose of this agenda item and we are now ready to go into discussion and possible action regarding this.

Ms. Smetana said the MPO staff has been evaluating office space at several sites around town. We have exceeded our available space – we have no storage at our location. We're looking at locations where we can expand our storage capacity.

Council Member Spano asked about the Federal Highway Administration (FHWA), their ADA requirements, and what impact, if any, the ADA requirements may have on the MPO. Judge Spurgin replied that the question has been asked of FHWA but we have not received a response at this time.

The motion was made by Council Member Spano to approve staff to execute the new lease agreement. The second was made by Judge Bolls.

Motion passed.

Vice-Chair Spurgin then announced that Staff now has the authority to negotiate and execute a lease agreement.

- 8. Opportunity for Members of the Public to Make Comments on MPO Issues**

No comments were received.

- 9. Opportunity for Board Members or MPO Staff to Recommend Topics for Future Discussion or Action.**

Ms. Smetana said that Frontage Road Conversion Project will be discussed at the next meeting.

10. Adjournment.

With no further business to come before this Board, Vice-Chair Spurgin adjourned the MPO Policy Board Meeting at 2:55 p.m. The next meeting is scheduled for November 20, 2012.