

**NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
EXECUTIVE BOARD MEETING**

Minutes — February 23, 2023

Transportation Council Room | 616 Six Flags Drive | Arlington, Texas

President Piel called the regular meeting of the North Central Texas Council of Governments Executive Board to order at 12:49 on February 23, 2023.

Members of the Board Present:

- | | |
|-------------------|----------------------|
| 1. Andrew Piel | 9. Clay Jenkins |
| 2. Bill Heidemann | 10. Victoria Johnson |
| 3. Chris Hill | 11. Todd Little |
| 4. David Sweet | 12. Linda Martin |
| 5. Rick Carmona | 13. Cara Mendelsohn |
| 6. J.D. Clark | 14. Bobbie Mitchell |
| 7. Janet DePuy | 15. Tim O'Hare |
| 8. Carlos Flores | |

Members of the Board Absent:

1. Jorja Clemson
2. Clyde Hairston
3. Glenn Rogers

Members of the Staff Present:

Mike Eastland, Monte Mercer, Molly Rendon, Doni Green, Michael Morris, Edith Marvin, Maribel Martinez, Christy Williams, Jerri Watson, Ken Kirkpatrick, James Powell, Michael Bort, Chris Klaus, Brett Ogletree, Casey Cannon, Lisa Sack, Debra Kosarek, Randy Richardson, Jon Blackman, Mindy Mize, Vickie Alexander, Maggie Lira

Visitors Present:

Roger Tovar, CPA, Sr. Manager | WhitleyPenn; Lauren Trimble, Dallas County; Grant Keyes | Kiewit; Edward Hartnagel | Motorola Solutions

REGULAR SESSION

PUBLIC COMMENT ON AGENDA ITEMS

President Piel opened the meeting for public comment and asked if there was anyone present wishing to speak. There being no one, he proceeded with the meeting.

ACTION:

Item 1 Approval of Minutes

President Piel stated that the first item on the agenda was approval of the minutes from the January Board meeting.

Upon a Motion by Mayor Carmona (seconded by Councilmember Mendelsohn), and unanimous vote of all members present, the Board approved the minutes of the January Executive Board meeting.

Item 2 Resolution Authorizing Contract with Halff Associates, Inc. for the Integrated Stormwater Management Program

Edith Marvin, Director of Environment & Development, requested Board authorization to enter a contractual

agreement with Halff Associates, Inc., for the Integrated Stormwater Management (iSWM) Program, for a maximum five (5) year term and in an amount not to exceed \$500,000. She explained that the Integrated Stormwater Management (iSWM) Program was developed in 2002 by NCTCOG and its member governments to provide assistance and guidance for development and redevelopment related to storm water initiatives in North Central Texas. The Public Works Council and iSWM Implementation Subcommittee comprised of local government and private sector professionals in the fields of public works, engineering, stormwater management, planning, and development provide oversight and policy guidance for this program, funding, and necessary updates. She further explained that the project consultant was chosen in 2016 to assist with the program and had performed under a contract that included extensions which expired in April 2022. Thus, a RFSQ #NCT-2022-018 was issued to receive qualified responses from engineering consulting firms. Following evaluation, the iSWM Implementation Subcommittee recommended Halff Associates, Inc.

Mike Eastland announced Edith's pending retirement and thanked her for her service to the COG.

Exhibit: 2023-02-02-ED

Upon a Motion by Commissioner Mitchell (seconded by Mayor Carmona), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 3 Resolution to Accept and Acknowledge Receipt of the Annual Comprehensive Financial Report for Fiscal Year 2022

Judge Hill, Chair of the Audit Committee, explained to the Board that the Audit Committee met prior to the Executive Board meeting and reviewed the Annual Comprehensive Financial Report (ACFR) and single audit reports for the fiscal year that ended September 30, 2022. He stated that Roger Tovar, CPA, Sr. Manager with WhitleyPenn, presented the final reports to the Audit Committee that was scheduled for 11:15 a.m. The Committee had the opportunity to ask questions of Mr. Tovar or staff during the presentation as well as the opportunity to address the auditors without staff being present. Judge Hill also commended the staff for their work.

Exhibit: 2023-02-03-AA

Upon a Motion by Judge Hill (seconded by Judge Clark), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 4 Resolution Authorizing Contract with Frost Bank for Depository Services

Molly Rendon, Director of Administration, requested Board authorization to enter a contractual agreement with Frost Bank for depository services, for a five (5) year term. She explained a competitive procurement was recently conducted and proposals were received from PlainsCapital Bank and Frost Bank. Following evaluation, staff is recommending a five (5) year contract be issued to Frost Bank.

Exhibit: 2023-02-04-AA

Upon a Motion by Judge Clark (seconded by Councilmember Johnson), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 5 Resolution Authorizing Submittal of FY2023 RAISE Grant Applications to the United States Department of Transportation

Michael Morris, Director of Transportation, requested Board authorization for submittal of three applications to the United States Department of Transportation (USDOT) under the FY 2023 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program in the amount of \$74,968,890. He explained that the following projects will be submitted by NCTCOG: Southern Gateway Deck Park – Phase 2, Klyde Warren Park – Phase 2, and East Lancaster Avenue Complete Streets and Transit Technology Project and stated the Regional Transportation Council (RTC) has approved the three projects. Staff will work with USDOT and partner agencies to determine the most efficient methods to bring the funds to the region and implement proposed projects.

Details of each project are identified below:

FY 23 RAISE GRANT - NCTCOG PROJECTS - COMPLETE LIST / ATTRIBUTES

PROJECT			COST / FUNDING STATUS						
TITLE	DESCRIPTION / LIMITS	E / W	NON-FEDERAL			FEDERAL			TOTAL COST
			NCTCOG / TxDOT	Local / Private	%	NCTCOG / TxDOT	RAISE Grant	%	
FY 23 RAISE CANDIDATE PROJECTS - NCTCOG									
Southern Gateway Deck Park - Phase 2	Construct foundational structural, safety, multi-modal transportation, & landscape elements to expand deck park over to Marsalis Avenue bridge.	EAST	N/A	\$20,000,000 ¹	30%	\$7,000,000 ²	\$40,000,000	70%	\$67,000,000
Klyde Warren Park - Phase 2	Construct foundational structural, safety, multi-modal transportation, & landscape elements for Pavilion Deck/2 nd Level Plaza & West Lawn Deck.	EAST	N/A	\$18,045,600 ³	23%	\$36,800,000 ⁴	\$24,968,890	77%	\$79,814,490
East Lancaster Avenue Complete Streets & Transit Technology Project	Reconstruct aging East Lancaster Avenue (Pine Street IH 620) into a context sensitive multi-modal corridor, with accommodations for an integrated high capacity bus transit service, to revitalize a critical economic and socially significant asset for East Fort Worth.	WEST	\$44,713,968 ⁵	\$18,430,160 ⁶	35%	\$93,855,672 ⁷	\$25,000,000	65%	\$182,000,000
FY 23 RAISE CANDIDATE PROJECT - LOCAL/REGIONAL PARTNERS (WITH NCTCOG funding requests)									
Cotton Belt Trail - DART/NCTCOG Partnership ⁸	DART / NCTCOG partnership to construct Cotton Belt Trail segments in Richardson & Plano connecting to / from multiple DART Silver Line Rail stations.	EAST	N/A	\$10,480,000	26%	\$4,720,000	\$25,000,000	74%	\$40,200,000

1. Construction: Combined funds from City of Dallas, Dallas County, & Southern Gateway Public Green Foundation
 2. Engineering: Surface Transportation Block Grant (STBG) + Transportation Development Credits (TDC) for match
 3. Construction: \$7,899,100 - City of Dallas; \$1,300,900 - Dallas County; \$8,845,600 - Woodall Rodgers Park Foundation
 4. Construction: \$36,800,000 STBG includes \$10,000,000 of TDCs contribution to be paid back over time

5. Engineering (FE, Right-of-Way (ROW), & Federal Match): \$14,475,000 (Using TxDOT funds: \$3,275,000 FE + \$1,250,000 ROW + \$10,000,000 Match) + \$20,238,968 New TxDOT funds (\$6,775,000 FE + \$3,750,000 ROW + \$19,713,968 Match)
 6. Utilities: \$2,000,000 (Funded); Construction: \$16,430,160 City of Fort Worth 2022 Bond Program / other City sources per Resolution 5568 (5-2022)
 7. Construction: \$40,000,000 Existing TxDOT Federal (Cot. 2) + \$53,855,672 New TxDOT Federal (Cot. 2) to be requested in Unified Transportation Program (UTP) 10 Year Plan
 8. Per RRC Action - Item #5 February 2023: Cotton Belt: \$10,480,000 + \$1,920,000 local match + \$1,100,000 in payments + \$7,000,000 DART (exchanged for RTC Federal); NCTCOG: \$4,720,000 - currently awarded Transportation Alternatives (TA) for Assistance



Executive Board Action Item - FY 2023 RAISE Grant

Exhibit: 2023-02-05-TR

Upon a Motion by Councilmember Mendelsohn (seconded by Councilmember Flores), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 6 Resolution Authorizing Agreements for the Receipt of Funds for Planning and Implementation Programs from the Texas Department of Transportation

Michael Morris, Director of Transportation, requested Board authorization to receive Surface Transportation Block Grant Program, Congestion Mitigation and Air Quality Improvement Program, and Regional Toll Revenue funds and associated match in the amount of approximately \$29,522,000, (\$25,939,500 STBG + \$2,510,000 CMAQ + \$445,000 RTR + \$313,750 local match, \$313,750 State match + 5,187,900 in RTC Transportation Development Credits in lieu of match), as reflected in Attachment 1, from the Texas Department of Transportation (TxDOT). He explained that the Executive Board previously approved receipt of funding for continuation and enhancement of ongoing transportation and air quality initiatives and for new projects implemented and managed by North Central Texas Council of Governments (NCTCOG) staff. This item focuses on efforts such as education, outreach, safety, congestion reduction, multi-modal transportation opportunities, and air quality. The programming of funds for these projects were approved by the Regional Transportation Council (RTC). NCTCOG is responsible for 100 percent of project costs in excess of the authorized federal funding amount for the individual projects in Attachment 1.

ATTACHMENT 1

Program Title (Non-Construction Projects)	RTC Approval Date	Funding Source	Total Funding Amount (TDCs are not included in the total)	Federal/ Regional	Match Amount				Fiscal Year(s)*	Program Status
					State	Local	RTR	TDC^		
Autonomous Mobile Vehicle to Residential Locations Pilot Project	5/12/2022	STBG	\$ 5,000,000	\$ 5,000,000	\$0	\$0	\$0	1,000,000	24	New
Develop, Test, and Implement Technology to Detect and Verify Auto Occupancy (Entire Managed Lane System)	10/13/2022	STBG	\$ 1,773,000	\$ 1,773,000	\$0	\$0	\$0	354,600	24	Ongoing
DFW Region: Management & Oversight of New Regional Safety Project Funding Program	10/13/2022	STBG	\$ 400,000	\$ 400,000	\$0	\$0	\$0	80,000	23	New
Input/Output Economic Model	10/13/2022	STBG	\$ 1,500,000	\$ 1,500,000	\$0	\$0	\$0	300,000	24	Ongoing
Management and Oversight of Regional Safety Program	10/13/2022	STBG	\$ 3,490,000	\$ 3,490,000	\$0	\$0	\$0	698,000	24	Ongoing
Pavement Condition on National Highway System Off System Roadways	1/12/2023	STBG	\$ 1,000,000	\$ 1,000,000	\$0	\$0	\$0	200,000	23	Ongoing
Planning Studies & Streamlined Project Delivery	1/12/2023	STBG	\$ 1,248,000	\$ 1,248,000	\$0	\$0	\$0	249,600	23	Ongoing
Region Wide Employer Trip Reduction	10/13/2022	STBG	\$ 2,569,500	\$ 2,569,500	\$0	\$0	\$0	513,900	24	Ongoing
Regional Goods Movement/Corridor Studies	10/13/2022	STBG	\$ 1,325,000	\$ 1,325,000	\$0	\$0	\$0	265,000	24	Ongoing
Regional Traffic Management Systems (Traveler Information System, Transportation System Management and Operations Data Engineer, Mobility Assistance Patrol, etc.)	10/13/2022	STBG	\$ 4,334,000	\$ 4,334,000	\$0	\$0	\$0	866,800	24-25	Ongoing
Regional Traffic Signal Retiming	10/13/2022	CMAQ	\$ 3,137,500	\$ 2,510,000	\$313,750	\$313,750	\$0	0	24	Ongoing
Special Events Management	10/13/2022	STBG	\$ 400,000	\$ 400,000	\$0	\$0	\$0	80,000	24	Ongoing
Technical and Legal Support for Innovative Finance on Transportation and Air Quality Projects in the Dallas-Fort Worth Region	10/13/2022	RTR	\$ 445,000	\$ 445,000	\$0	\$0	\$0	\$0	23	Ongoing
Technology and Innovation 3.0	10/13/2022	STBG	\$ 400,000	\$ 400,000	\$0	\$0	\$0	80,000	24	Ongoing
Travel Survey and Data Collection, Model Refinement Program	10/13/2022	STBG	\$ 2,500,000	\$ 2,500,000	\$0	\$0	\$0	500,000	24	Ongoing
			\$29,522,000	\$ 28,894,500	\$ 313,750	\$313,750	\$0	5,187,900		

* Fiscal Year denotes year in which funds are programmed in the Transportation Improvement Program. However, funds may be spent over multiple years depending on project requirements and schedules, pursuant to this authorization.
 ^5,107,900 of Transportation Development Credits utilized in lieu of a local match and are not calculated in funding total.

Prepared for presentation to NCTCOG Executive Board February 2023

Exhibit: 2023-02-06-TR

Judge Little left the meeting and did not return.

Upon a Motion by Commissioner Mitchell (seconded by Mayor Carmona), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 7 Resolution Authorizing Agreement with Swagit Productions, LLC, for Video Web Hosting Service and Equipment/Maintenance

Michael Morris, Director of Transportation, requested Board authorization to enter into contractual agreement with Swagit Productions, LLC for video web hosting service and the purchase, installation, and service of audio and video equipment, in an amount not to exceed \$115,000 up to a five-year period. He explained that per Chapter 472 of the Texas Transportation Code, a metropolitan planning organization that serves one or more counties with a population of 350,000 or more is required to broadcast over the Internet live video and audio of each open meeting held by the policy board. Swagit Productions, LLC is currently providing these web hosting services to NCTCOG, and the current agreement expires in April 2023. NCTCOG will utilize a cooperative contract with Swagit Productions, LLC under The Interlocal Purchasing System (TIPS) for video web hosting service and equipment/maintenance for various scheduled meetings held by NCTCOG. There is no Disadvantaged Business Enterprise (DBE) participation for this project.

Exhibit: 2023-02-07-TR

Upon a Motion by Councilmember Mendelsohn (seconded by Mayor Carmona), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 8 Resolution Authorizing Purchase and Placement of Education Campaigns for Transportation Initiatives in Fiscal Year 2023: Phase 2

Michael Morris, Director of Transportation, requested Board authorization to enter into agreements with various multimedia outlets for the purchase and placement of education campaigns initiated in Fiscal Year 2023 for Transportation Department Initiatives: Phase Two in an amount up to \$1,041,000. He explained that Phase One was brought before the Executive Board and approved in November 2022. Phase Two is ready to move forward and has been included in the FY2022 and FY2023 Unified Planning Work Program (UPWP), which was approved by the Regional Transportation Council (RTC) and Executive Board.

Phase Two will support the programs listed below:

- Care Care Awareness
- Drive Aware North Texas
- Engine Off North Texas
- Freight North Texas
- HOV 2+ Incentive (GoCarma)
- Know Before You Fly
- National Drive Electric Week
- Ozone Season Emissions Reduction Campaign (Air North Texas)
- Report Smoking Vehicles
- Saving Money and Reducing Truck Emissions
- Transit COVID Recovery Campaign
- Flexible Funding for Public Involvement/Notifications

Details of funding sources and amounts, including match are described below.

Purchase and Placement of Education Campaigns for Transportation Initiatives for FY2023 - Phase 2					
Program Name	Funding Source	Funding Amount	Match Source	Match Total	Total
Car Care Awareness	STBG	\$ 15,000	TDCs	3,000	\$ 15,000
Drive Aware North Texas	STBG	\$ 300,000	TDCs	60,000	\$ 300,000
Engine Off North Texas	STBG	\$ 21,000	TDCs	4,200	\$ 21,000
Freight North Texas	STBG	\$ 150,000	TDCs	30,000	\$ 150,000
HOV 2+ Incentive Program (GoCarma)	STBG	\$ 160,000	TxDOT	\$ 40,000	\$ 200,000
Know Before You Fly	RTC Local	\$ 10,000	NA	0	\$ 10,000
National Drive Electric Week	STBG	\$ 10,000	TDCs	2,000	\$ 10,000
Ozone Season Emissions Reduction Campaign (Air North Texas)	CMAQ	\$ 205,000	TDCs	41,000	\$ 205,000
Report Smoking Vehicles Program	STBG	\$ 15,000	TDCs	3,000	\$ 15,000
Saving Money and Reducing Truck Emissions	STBG	\$ 5,000	TDCs	1,000	\$ 5,000
Transit COVID Recovery Campaign	CMAQ	\$ 100,000	TDCs	20,000	\$ 100,000
Flexible Funding*	STBG/CMAQ/ TPF/FTA/RTR/L OCAL	\$ 10,000	TDCs/TBD	2,000	\$ 10,000
OVERALL TOTAL		\$ 1,001,000		\$40,000 in cash match and 166,200 in TDCs	\$ 1,041,000

*Flexible Funding for Public Involvement/Notifications Only - Specific funding source, including match source, will be determined by the project(s) using the Flexible Category, and could also include RTC Local.

Exhibit: 2023-02-08-TR

Upon a Motion by Mayor Pro Tem DePuy (seconded by Councilmember Mendelsohn), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 9 Resolution Approving Modifications to the FY2022 and FY2023 Unified Planning Work Program for Regional Transportation Planning

Dan Kessler, Assistant Director of Transportation, requested Board approval to amend the FY2022 and FY2023 Unified Planning Work Program for Regional Transportation Planning (UPWP). The UPWP is required by federal and State transportation planning regulations and provides a summary of the transportation and related air quality planning tasks to be conducted by Metropolitan Planning Organization (MPO) staff over a two-year period, to be carried out between October 1, 2021, and September 30, 2023, and identifies associated funding.

Listed below are proposed modifications to the FY2022 and FY2023 UPWP and have been approved by the Regional Transportation Council (RTC) for inclusion in the Transportation Improvement Program (TIP) and are outside of the timeframe of the current Work Program:

- 5.08 Roadway and Railroad Safety – Transportation Safety Planning (add \$50,000 State Planning and Research funds and update text to reflect the development of an inventory and coordination of safety activities across the region, and the provision of a report on implemented activities to the Texas Department of Transportation)
- 3.03 Air Quality Management and Operations – Regional Energy Management (add \$100,000 Department of Energy funds and \$20,000 Regional Transportation Council Local funds to reflect receipt of a grant award to continue work activities)

Additionally, he mentioned the creation of a new UPWP chapter to reflect transportation projects that are expected to be initiated by NCTCOG in FY2024 through FY2026.

Exhibit: 2023-02-09-TR

Upon a Motion by Mayor Martin (seconded by Judge Clark), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 10 Resolution Appointing a Legislator as an Ex-Officio Member of the North Central Texas Council of Governments Executive Board

Mike Eastland, Executive Director, explained that House Bill 2160 became law after the 82nd Session of the State Legislature. The law requires Councils of Governments to offer an ex-officio, non-voting seat on each of their Executive Boards to a member of the legislature whose district is located wholly or partly within their region. In January 2013, the Executive Board, in order to accomplish its desire to be fair and impartial, officially adopted, by resolution, a process for making a selection of the legislator to hold this seat, whereby an invitation would be sent to each Senator and Representative in a qualified district inviting them to submit a letter of interest in holding the designated seat. In addition, if more than one letter of interest was received, each of the interested Legislator's names would be placed in a drawing, from which one name would be drawn to fill the seat for a term of two years. This year, ten (10) letters of interest were received in response to the invitation sent to each of the eligible legislators.

The drawing was conducted, and Representative Victoria Neave's name was drawn to hold the seat through January 31, 2025.

Exhibit: 2023-02-10-EDO

Upon a Motion by Mayor Heidemann (seconded by Judge Jenkins), and unanimous vote of all members present, the Board approved the resolution as presented.

Item 11 Resolution Adopting Executive Board Member Attendance Policy

Mike Eastland, Executive Director, presented the Executive Board member attendance policy to the members which contained the following sections:

Section 1.

The North Central Texas Council of Governments (NCTCOG) Executive Board has historically conducted its meetings in-person at the NCTCOG business offices in Arlington, Texas. However, as a governmental body that extends into three or more counties, it is permitted to conduct open or closed meetings by videoconference call under Texas Government Code Section 551.127(c). The Executive Board continues to encourage in-person attendance but wishes to provide limited opportunity to members to participate remotely via videoconference call.

A member of the Executive Board may participate remotely via videoconference call no more than two (2) times per calendar year. Participation via videoconference call in excess of this limit will not be permitted and in such instance the member will be counted as absent with no opportunity to vote.

Notwithstanding anything to the contrary herein, NCTCOG reserves the right to conduct any open or closed meetings via videoconference call in the event business needs require. In these instances, all members are permitted to participate remotely via videoconference call, except the presiding officer, and it will not count toward the limit identified in the paragraph above.

Section 2.

An Executive Board member must be in attendance for at least seventy-five percent (75%) of the scheduled items on the posted agenda for a meeting in order to be recorded as present for that meeting.

Exhibit: 2023-02-11-EDO

Upon a Motion by Judge Jenkins (seconded by Mayor Martin), the motion passed twelve (12) to two (2) in favor of adopting the policy excluding Section 2, with Judge Sweet and Councilmember Mendelsohn voting no.

Judge Hill then made a motion (seconded by Councilmember Mendelsohn) to adopt Section 2 as a stand-alone policy. The motion failed ten (10) to four (4) with Judge Sweet, Councilmember Mendelsohn, Mayor Heidemann, and Judge Hill voting in favor.

MISCELLANEOUS:

Item 12 Old and New Business

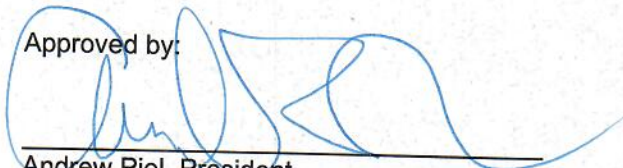
There was no old or new Business.

Item 13 Attendance and Calendar

The Board was provided with a Calendar of meeting and a record of Attendance.

President Piel adjourned the meeting at 2:16 pm.

Approved by:



Andrew Piel, President
North Central Texas Council of Governments
Councilmember, City of Arlington

Checked by:



Mike Eastland, Executive Director
North Central Texas Council of Governments