RESOLUTION NO. 2009-81

A RESOLUTION

APPROVING THE ISSUANCE, SALE AND DELIVERY OF CONTRACTUAL OBLIGATIONS; APPROVING THE PRICING METHODOLOGY COMPRISED OF A PARAMETER PRICING COMMITTEE; APPROVING UNDERWRITERS FOR DEBT INSTRUMENT ISSUANCE; AUTHORIZING THE PRESIDENT & CEO OR HIS DESIGNEE TO EXECUTE ALL NECESSARY RELATED INSTRUMENTS

WHEREAS, delivery of sixty (60) buses is expected to commence on or about November 2009, for a total cost of $35.6 Million plus associated costs; and

WHEREAS, METRO’s financial advisors and METRO Staff have recommended the use of Contractual Obligations as a cost-effective means of financing the buses; and

WHEREAS, in order to execute this recommendation, METRO Staff has developed pricing methodology comprised of a “Parameter Pricing Committee” to consist of the two Board of Directors Vice-Chairmen; and

WHEREAS, METRO Staff has recommended that the Parameter Pricing Committee be given the authority to approve long-term debt pricing where the True Interest Costs (TIC) does not exceed 5%;

WHEREAS, METRO requires the services of managers and underwriters for the issuance of the debt instruments; and

WHEREAS, in response to a Request for Proposals, Ramirez and Company were found to be the best overall value to serve as lead underwriter for the issuance of the Obligations; and
WHEREAS, Loop Capital Markets and Southwest Securities were found to be the best overall value to serve as co-managing underwriters for the issuance of the Obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves the issuance, sale, and delivery of Contractual Obligations in the amount of $35.6 Million, plus associated issuance costs and debt service reserve funding.

Section 2. The Board of Directors hereby approves the pricing methodology of a Parameter Pricing Committee, comprised of two Board of Directors Vice Chairmen.

Section 3. The Board of Directors hereby grants authority to the Parameter Pricing Committee to approve long-term debt pricing for Contractual Obligations where the True Interest Cost does not exceed 5%.

Section 4. The Board of Directors hereby approves Ramirez and Company, Loop Capital Markets, and Southwest Securities to serve as lead underwriter and co-managing underwriters, respectively, for the debt instruments authorized herein.

Section 5. The Board of Directors hereby authorizes the President & CEO or his designee to execute all related documents and instruments necessary to execute the issuance, sale, and delivery of these Contractual Obligations.

Section 6. This Board Resolution is effective immediately upon passage.
RESOLUTION 2009 – 81 (Page 3)

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

[Signature]
Paula Alexander
Assistant Secretary

[Signature]
George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009-__82__

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A FIVE-YEAR CONTRACT WITH JPMORGAN CHASE BANK FOR DEPOSITORY SERVICES

WHEREAS, METRO is in need of depository services; and

WHEREAS, after a competitive bidding process, JPMorgan Chase Bank was found to be the best overall value;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes and directs the President & CEO to execute and deliver a contract with JPMorgan Chase for depository services for a term of five years, and in an amount not to exceed $345,000.

Section 2. This Board Resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Member
A RESOLUTION

APPROVING AND ADOPTING THE FISCAL YEAR 2010 INVESTMENT POLICY

WHEREAS, the Texas Public Funds Investment Act, Chapter 2256 of the Texas Government Code, requires political subdivisions such as METRO to annually review and adopt policies with respect to the investment of its funds; and

WHEREAS, by way of Board resolution, METRO previously approved a comprehensive investment policy and strategies designed to provide maximum returns with due consideration to the safety and risk of investments; and

WHEREAS, the Board of Directors has carefully reviewed the presented policy and the investment environment and has determined that the policy meets the objectives of good fiscal management, safety of principle, sound diversification, and optimization of earnings; and

WHEREAS, it is the Board of Director's determination that it is appropriate that METRO approve the investment policies and strategies for Fiscal Year 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves and adopts the Investment Policy for Fiscal Year 2010 as set forth in Attachment 1.

Section 2. This Board Resolution is effective immediately upon passage.
RESOLUTION 2009 – 83 (Page 2)

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Member
A RESOLUTION

AUTHORIZING THE TRANSFER OF FUNDS TO THE CITY OF HOUSTON FOR EXPENDITURE OF $300,000 TO RECONFIGURE, EXPAND, AND UPGRADE HOUSTON TRANSTAR FACILITIES; AUTHORIZING THE PRESIDENT & CEO OR THE SENIOR VICE PRESIDENT OF PUBLIC SAFETY TO EXECUTE ALL NECESSARY RELATED DOCUMENTS

WHEREAS, METRO is a founding partner in Houston Transtar; and

WHEREAS, increased need of Transtar’s services have led to an initiative to reconfigure and expand the control room floor, and to upgrade certain components; and

WHEREAS, METRO’s portion of the expansion costs are $300,000; and

WHEREAS, the monies for the expansion are included the FY 2010 Capital budget; and

WHEREAS, the expansion and upgrading of Houston Transtar will increase METRO’s ability to provide its services and fulfill its obligations to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes the transfer of funds to the City of Houston for expenditure of $300,000 to reconfigure, expand and upgrade Houston Transtar facilities and equipment.

Section 2. The Board of Directors hereby authorizes and directs the President & CEO or the Senior Vice President of Public Safety to execute all necessary agreements or instruments to effectuate the authorities granted in this Resolution.
PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009-85

A RESOLUTION

APPROVING THE PURCHASE OF RADIOS, RADIO CONSOLES, AND SUPPORTIVE EQUIPMENT AND SERVICES

WHEREAS, a viable and reliable radio system is essential to METRO operations and public safety; and

WHEREAS, METRO's current radio equipment is obsolete; and

WHEREAS, METRO has the opportunity to purchase 1697 vehicle radios, 1460 handheld radios, 13 radio consoles, associated infrastructure, backend equipment, and installation; and

WHEREAS, through its participation in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, METRO may obtain this equipment for $15,807,073; and

WHEREAS, funding for this project will be provided through grant funding; and

WHEREAS, the monies required for this purchase were included in the FY2009 and FY2010 Capital Budgets; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes purchase of radios, radio equipment, associated equipment, and installation through the Houston-Galveston Area Cooperative Purchasing Program in an amount not to exceed $15,807,073.

Section 2. This Resolution is effective immediately upon passage.
PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

[Signature]
Paula Alexander
Assistant Secretary

[Signature]
George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009-86

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH TRANSCORE, INC. FOR HOV-TO-HOT LANES CONVERSION; TO EXECUTE AND DELIVER A CONTRACT WITH ISI CONTRACTING, INC. FOR CIVIL CONSTRUCTION; AND TO EXECUTE AND DELIVER A FIVE-YEAR CONTRACT WITH TRANSCORE, INC. FOR THE OPERATION AND MAINTENANCE OF THE HOT LANES; AUTHORIZING THE PRESIDENT & CEO TO EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, METRO operates high-occupancy vehicle lanes ("HOV lanes") throughout the METRO service area; and

WHEREAS, METRO has initiated a project to allow single-occupant vehicles to use the HOV lanes for a fee by converting the lanes to high-occupancy toll lanes ("HOT lanes"); and

WHEREAS, to insure system operability and stability METRO seeks to engage a single contractor for both the conversion of the lanes and the lane operation for a period of five years thereafter; and

WHEREAS, after a competitive bidding process Transcore, Inc. was found to be the most technically qualified, lowest-priced bidder; and

WHEREAS, ISI Contracting, Inc. was selected to perform civil construction tasks for the project; and

WHEREAS, METRO staff anticipates expending approximately $38.7 Million for the conversion of the HOV lanes to HOT lanes; and

WHEREAS, METRO staff anticipates expending approximately $8,944,023 on the associated civil construction tasks; and
WHEREAS, METRO staff anticipates expending approximately $42,325 Million over five years for the operation and maintenance of the lanes thereafter; and

WHEREAS, the installation and subsequent operation of the HOT lanes will require an amendment to the HOV lane Master Operating Agreement with TxDOT, as well as agreements with HCTRA regarding tolling matters;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with Transcore, Inc. for the design, furnishing, and installation of the High Occupancy Vehicle to High Occupancy Toll lane conversion project in an amount not to exceed $38,700,000.

Section 2. The President & CEO is hereby authorized and directed to execute and deliver a contract with ISI Contracting, Inc. in an amount not to exceed $8,944,023.

Section 3. The President & CEO is hereby authorized and directed to execute and deliver a five-year contract with Transcore, Inc. for the operations and maintenance of METRO's High Occupancy Toll lane system in an amount not to exceed $42,325,000.

Section 4. The President & CEO is hereby authorized to negotiate, execute, and deliver all necessary Interlocal or interagency agreements or agreement amendments necessary to effectuate the authorities granted herein.

Section 5. This Board Resolution is effective immediately upon passage.
PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

George A. DeMontrond, III
Board Member

ATTEST:
Paula Alexander
Assistant Secretary
RESOLUTION NO. 2009-87

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER THREE-YEAR CONTRACTS FOR PRODUCTION OF PUBLIC INFORMATIONAL VIDEOS WITH TEXAS VIDEO & POST AND VT2

WHEREAS, METRO has implemented a program to provide public information and educational videos to make the public aware of the services offered by METRO; and

WHEREAS, METRO needs the services of professional video and broadcast production companies to produce the broadcast materials; and

WHEREAS, after a competitive procurement Texas Video & Post and VT2 were found to be the best overall values;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver three-year contracts with Texas Video & Post and VT2 for video production services, each in an amount not to exceed $125,000.

Section 2. This Board Resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.

APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009- 88

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE A CONTRACT WITH ISI CONTRACTING, INC. FOR CONSTRUCTION AND INSTALLATION SERVICES

WHEREAS, METRO needs construction and installation services to support its Capital Improvement Program; and

WHEREAS, after a competitive procurement process, ISI Contracting, Inc. was found to be the best overall value; and

WHEREAS, METRO Staff anticipates costs of no more than $9,646,510; and

WHEREAS, services under this contract will be requisitioned on an as-needed basis;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute a four-year contract for construction and installation services with ISI Contracting, Inc. in an amount not to exceed $9,656,510.

Section 2. This resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009-89

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE A SIX-MONTH CONTRACT WITH CRAVENS PARTNERS, LTD. FOR CONSTRUCTION ON THE SOUTH POINT PARK & RIDE.

WHEREAS, METRO has planned expansion of the South Point Park & Ride facility to increase the parking area; and

WHEREAS, METRO requires construction and related services to complete the project; and

WHEREAS, after a competitive procurement process, Cravens Partners, Ltd was found to be the lowest responsive and responsible bidder; and

WHEREAS, METRO anticipates expenditures for this project not to exceed $648,113;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute a six-month contract with Cravens Partners, Ltd. in an amount not to exceed $648,113.

Section 2. This resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:  
Paula Alexander  
Assistant Secretary

George A. DeMontrond, III  
Board Member
RESOLUTION NO. 2009-90

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER AN INTERAGENCY AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE USE OF TXDOT RIGHT-OF-WAY DURING METRO SOLUTIONS, PHASE II, CONSTRUCTION

WHEREAS, METRO is currently constructing additional light rail lines to serve the Houston area under METRO Solutions, Phase II; and

WHEREAS, construction of the Southeast, East End, and North rail lines corridors will require the use of Texas Department of Transportation ("TxDOT") right-of-way; and

WHEREAS, METRO staff has negotiated an agreement with TxDOT to allow the use of the necessary right-of-way during construction;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute an interagency agreement with the Texas Department of Transportation ("TxDOT") for the use of TxDOT's right-of-way during construction of the Southeast, East End, and North Corridor rail lines of METRO Solutions, Phase II.

Section 2. This resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

APPROVED this 15th day of October, 2009.

George A. DeMontrond, III
Board Member
RESOLUTION NO. 2009-91

A RESOLUTION

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A THREE-YEAR CONTRACT WITH STEWART & STEVENSON, LLC FOR DIESEL ENGINE PARTS

WHEREAS, METRO requires diesel engine parts to rebuild bus engines; and

WHEREAS, after a competitive procurement process Stewart & Stevenson, LLC was found to be the lowest responsive and responsible bidder; and

WHEREAS, METRO anticipates expenditures of $4,508,658 over the next three years; and

WHEREAS, funds authorized for this contract will be expended on an as-needed basis;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby authorizes and directs the President & CEO to execute and deliver a three-year contract with Stewart & Stevenson, LLC in an amount not to exceed $4,508,658.

Section 2. This Board Resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

George A. DeMontrond, III
Board Member

ATTEST:
Paula Alexander
Assistant Secretary
A RESOLUTION

AUTHORIZING A PUBLIC HEARING REGARDING THE NECESSITY FOR CONDEMNATION FOR CERTAIN PROPERTIES; AUTHORIZING CONDEMNATION PROCEEDINGS

WHEREAS, METRO Solutions, Phase II, plans for the North and East End Corridors involve multiple properties owned by Union Pacific Railroad (UPRR); and

WHEREAS, because the properties are essential for the completion of the light rail lines to be constructed, METRO must be prepared to pursue legal avenues in order to obtain the necessary property rights; and

WHEREAS, in order to determine the proper course, METRO has elected to conduct a public hearing to gather testimony and evidence related to the property rights acquisition matters; and

WHEREAS, in the event the evidence indicates that condemnation is appropriate, METRO staff seeks Board approval to move forward with any and all necessary condemnation proceedings,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors authorizes public hearings to evaluate the acquisition of rights to property currently held by Union Pacific Railroad.

Section 2. The Board of Directors authorizes condemnation proceedings to acquire the necessary parcels from Union Pacific Railroad in furtherance of the METRO Solutions, Phase II, Project.
Section 3. This Board Resolution is effective immediately upon passage.

PASSED this 15th day of October, 2009.
APPROVED this 15th day of October, 2009.

ATTEST:

Paula Alexander
Assistant Secretary

George A. DeMontrond, III
Board Members