

**MINUTES OF THE REGULAR MEETING OF THE OKLAHOMA TURNPIKE AUTHORITY, HELD JUNE 20, 2007 AT THE NEAL A. MCCALEB TRANSPORTATION BUILDING, 3500 MARTIN LUTHER KING AVENUE, OKLAHOMA CITY, OKLAHOMA.**

NOTICE of the schedule of regular meetings of the Oklahoma Turnpike Authority for the calendar year 2007 having been given in writing to the Oklahoma Secretary of State, and public notice and agenda having been posted in prominent public view at the principal office of the Oklahoma Turnpike Authority, Neal A. McCaleb Transportation Building at 3500 Martin Luther King Avenue, Oklahoma City, Oklahoma, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

**CALL TO ORDER:** Chairman Doug Riebel called the meeting to order at 11:42 a.m.

**ROLL CALL:**           PRESENT:   Mr. Doug Riebel  
  Mr. Mike Leonard  
  Mr. Clark Brewster  
  Mr. Hal Ellis  
  Mr. Ken Fergeson

                                  ABSENT:   None

**INTRODUCTION OF GUESTS:**

Ms. Jenny Johnson introduced the following guests: Ms. Cheryl Lane, OTA, Oklahoma City; Ms. Regina Bobo, OTA, Oklahoma City; Mr. Jim Hunt, PBS&J, Norman; Ms. Kim Brooks, PBS&J Norman; Mr. Todd Brawley, NRS/Brawley Engineering, Oklahoma City; Mr. Mark Schlachtenhoufen, Capital Network News, Oklahoma City; Mr. Ken Shoemaker, FBS, Tulsa; Mr. Robert Burton, Cobb Engineering, Oklahoma City; and Mr. Chris Gander, BOSC, Oklahoma City.

**APPROVAL OF MINUTES:**

Chairman Doug Riebel called for approval of the minutes of the Authority Meeting of April 18, 2007.

It was moved by Mr. Ken Fergeson and seconded by Mr. Clark Brewster that the minutes be approved as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**EMPLOYEE RECOGNITION AND OTHER AWARDS:**

Mr. David Machamer recognized Ms. Regina Bobo, Toll Collector at the Mainline Plaza on the Turner Turnpike, to receive the Division Customer Service Award for the month. Ms. Bobo has been employed with the OTA since December 27, 2004. She was selected for this award for consistently presenting a friendly and courteous public image for the OTA.

Mr. David Murdock recognized Mr. Cecil Woolman, Auto/Engine Mechanic II on the Will Rogers Turnpike, as the Maintenance Division Team Player of the month. Mr. Woolman has been employed with the Authority for 23 years. During the time that Mr. Woolman has worked for the OTA, he has consistently volunteered his knowledge and abilities to assist other mechanics on special needs and major repair projects. These projects are in addition to his normal daily duties and often require additional time away from home while working in less than favorable conditions.

Major Dennis Gann recognized Lt. Mark Roach as the Trooper of the Month. Lt. Roach is assigned to the Will Rogers Turnpike. On May 25, 2007, an armed robbery at a convenience store occurred in Fairland, Oklahoma. Immediately following, a description of the suspect's vehicle was broadcast over the radio. Lt. Roach observed the suspect traveling on the Will Rogers Turnpike and coordinated his apprehension with other responding troopers. Thanks to Lt. Roach's efforts, the money from the robbery was recovered as was the weapon used in the robbery.

**NEW BUSINESS:**

**AUDIT AND BUDGET COMMITTEE ITEM(S)**

**TAB 1        9576. Consider, take action and vote for the approval or disapproval of an Agreement with the Department of Public Safety to share costs of construction and maintenance for an OHP Law Enforcement Office on the Will Rogers Turnpike.**

Ms. Wendy Smith presented this item stating that it was reviewed by the Audit and Budget Committee and staff recommended approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Clark Brewster that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Ferguson, Leonard, and Riebel

**TAB 2        9577. Consider, take action and vote for the approval or disapproval of the purchase of 300,000 new PIKEPASS window mount transponders in the amount of \$7,650,000.**

Ms. Wendy Smith presented this item stating that it was reviewed by the Audit and Budget Committee and staff recommended approval as presented.

It was moved by Mr. Ken Ferguson and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Ferguson, Leonard, and Riebel

**TAB 3      9578. Consider, take action and vote for the approval or disapproval of the following change order:**

	<u>Project No.</u>	<u>Contractor</u>	<u>Amount</u>	<u>Time</u>
1.	RFP 2006-004, C.O. #4 Toll Plaza, Audit, and PIKEPASS Center Audio/ Visual Monitoring System	SecureNet	\$9,821.15	0 Days

Ms. Wendy Smith presented this item stating that it was reviewed by the Audit and Budget Committee and staff recommended approval as presented.

It was moved by Mr. Clark Brewster and seconded by Mr. Ken Fergeson that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 4      9579. Consider, take action and vote for the election of the following offices, in accordance with Article III of the Oklahoma Turnpike Authority By-Laws, for the period of July 1, 2007 to June 30, 2008:**

Chairman  
Vice-Chairman  
Secretary/Treasurer  
Asst. Secretary/Treasurer

Chairman Doug Riebel presented this item stating that it was reviewed during the Audit and Budget Committee and asked the Board for a motion.

It was moved by Mr. Hal Ellis and seconded by Mr. Clark Brewster that the Authority approve the following election of officers:

Mr. Doug Riebel – Chairman  
Mr. Mike Leonard – Vice-Chairman  
Mr. Ken Fergeson – Secretary/Treasurer  
Ms. Julie Porter – Asst. Secretary/Treasurer

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**FINANCE COMMITTEE ITEM(S)**

**TAB 5      9580. Consider, take action and vote for the approval or disapproval of the Payment Registers for the periods of April 1, 2007 to and including April 30, 2007, and May 1, 2007 to and including May 31, 2007.**

Ms. Wendy Smith presented this item stating that staff recommended approval as presented.

It was moved by Mr. Ken Fergeson and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 6      9581. Consider, take action and vote for the approval or disapproval of two amendments to the Loomis Contract.**

Ms. Wendy Smith presented this item stating that it was reviewed by the Finance Committee and staff recommended approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Ken Fergeson that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**ENGINEERING AND CONSTRUCTION COMMITTEE ITEM(S)**

**Item 9582.      CONSENT DOCKET – Consider and vote for approval or disapproval of all or any portion of the Engineering and Construction Consent Docket as follows:**

**TAB 7      A.      Change Order(s)/Supplemental Agreement(s):**

	<u>Project No.</u>	<u>Contractor</u>	<u>Amount</u>	<u>Time</u>
1.	CKT-1345A, C.O. #4 Broken Arrow South Loop Creek Turnpike	M. J. Lee Construction	\$0.00	119 Days

	<u>Project No.</u>	<u>Contractor</u>	<u>Amount</u>	<u>Time</u>
2.	T-MC-78, S.A. #4 Bridge Rehab Bridge No. 81.4 and Reconst. Mainline at M.P. 216.0 – 218.0 Turner Turnpike	Sherwood Construction	(\$1,350.00)	0 Days
3.	WR-MC-93, S.A. #2 Bridge Rehab Br. No. 41.54 and Pavement Rehab at Big Cabin Interchange Will Rogers Turnpike	Becco Contractors	\$1,409.00	3 Days

**TAB 8 B. Final Estimate(s):**

	<u>Project No.</u>	<u>Contractor</u>	<u>Final Contract Amount</u>	<u>Fund</u>
1.	CKT-1345A Broken Arrow South Loop Creek Turnpike	M. J. Lee Construction	\$4,097,129.82	R.M.
2.	WR-ER-003 Emergency Repair Bridge No. 61.47 Will Rogers Turnpike	PBX Corporation	\$180,511.35	General
3.	WR-MC-100 Pavement Rehab at M.P. 250.0 – 260.0 Will Rogers Turnpike	APAC of Oklahoma	\$11,694,845.92	R.M.

**TAB 9 C. Final Estimate(s) – Maintenance Division:**

	<u>Project No.</u>	<u>Contractor</u>	<u>Final Contract Amount</u>	<u>Fund</u>
1.	TU-F-05R Fencing Turner Turnpike	Kalka Construction	\$405,267.52	General

**TAB 10 D. Contract Modification No. 1 to Engineering Design Services Contract(s):**

	<u>Project No.</u>	<u>Consultant</u>	<u>Amount</u>	<u>Fund</u>
1.	T-MC-82 Toll Plaza Side Gates at Wellston Turner Turnpike	C. H. Guernsey	\$2,680.00	General

**TAB 11 E. Contract Extension(s) – Maintenance Division:**

	<u>Project No.</u>	<u>Contractor</u>	<u>Amount</u>	<u>Fund</u>
1.	MU-TR-05 Trash Removal Muskogee Turnpike	Allied Waste Services	\$63,068.51	Revenue
2.	IN-TR-05 Trash Removal Indian Nation Turnpike	IESI Corporation	\$96,000.84	Revenue

END OF ENGINEERING AND CONSTRUCTION CONSENT DOCKET

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Mr. Eric Strong presented the Consent Docket and stated that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Mike Leonard and seconded by Mr. Ken Ferguson that the Authority approve the Engineering and Construction Consent Docket as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Ferguson, Leonard, and Riebel

**ENGINEERING AND CONSTRUCTION ITEM(S) REQUIRING SEPARATE VOTE:**

**TAB 12 9583. Consider, take action and vote for the approval or disapproval of the award of the following contract:**

	<u>Project No.</u>	<u>Low Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	IN-MC-36 Pavement Rehab at M.P. 20.0 – 30.0 Indian Nation Turnpike	Koss Construction	\$7,907,318.34	R.M.

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Clark Brewster that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 13      9584. Consider, take action and vote for the approval or disapproval of the award of the following contract:**

	<u>Project No.</u>	<u>Low Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	T-MC-93 Rehab to Ramp Pavement at M.P. 134.0 – 136.0 Turner Turnpike	Haskell Lemon	\$2,725,465.25	General

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Ken Fergeson and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 14      9585. Consider, take action and vote for the approval or disapproval of the award of the following contract:**

	<u>Project No.</u>	<u>Low Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	WR-MC-104 Pavement Rehab at Afton Interchange Will Rogers Turnpike	Diamond Surface	\$1,190,397.95	R.M.

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Ken Fergeson that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 15      9586. Consider, take action and vote for the approval or disapproval of the award of the following contract:**

	<u>Project No.</u>	<u>Low Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	WR-MC-108 New OHP Facility at Vinita Will Rogers Turnpike	Jim Cooley Construction	\$1,898,594.15	General

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Mike Leonard that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 16      9587. Submitted for the consideration of the Authority is a request that the following contract be awarded to the lowest responsible bidder submitting a responsive bid. A summary of the contract and the bids received are presented as follows:**

	<u>Project No.</u>	<u>Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	IN-MC-33 Shoulder Rehab at M.P. 52.0 – 88.0 and Shoulder Rehab at SH-69 Interchange Indian Nation Turnpike	Glover Construction Koss Construction	\$3,199,091.30 \$3,415,751.69	General

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee. Two bids were received on this contract for the Authority's consideration.

It was moved by Mr. Clark Brewster and seconded by Mr. Doug Riebel that the Authority award this contract to the low bidder, Glover Construction.

The motion failed due to lack of majority by the following vote:

YES: Brewster, Riebel  
NO: Ellis, Fergeson  
ABSTAIN: Leonard

**TAB 17      9588. Submitted for the consideration of the Authority is a request that the following contract be awarded to the lowest responsible bidder submitting a responsive bid. A summary of the contract and the bids received are presented as follows:**

	<u>Project No.</u>	<u>Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	MU-MC-31 Pavement Rehab M.P. 37.0 – 57.0 Muskogee Turnpike	Glover Construction Koss Construction Becco Contractors	\$2,628,506.91 \$2,644,070.28 \$3,228,257.80	General

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee. Three bids were received on this contract for the Authority's consideration.

It was moved by Mr. Clark Brewster and seconded by Mr. Doug Riebel that the Authority award this contract to the low bidder, Glover Construction.

The motion failed due to lack of majority by the following vote:

YES: Brewster, Riebel  
NO: Ellis, Fergeson  
ABSTAIN: Leonard

**TAB 18      9589. Consider, take action and vote for the approval or disapproval of Contract Modification No. 2 Phase II to the following Engineering Design Services Contract(s):**

	<u>Project No.</u>	<u>Consultant</u>	<u>Amount</u>	<u>Fund</u>
1.	HEB-MC-33 Reconstruction of Toll Plaza at Walters H. E. Bailey Turnpike	Clour Engineering	\$299,750.00	General

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Ken Ferguson that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Ferguson, Leonard, and Riebel

**TAB 19      9590. Consider, take action and vote for the approval or disapproval of a request to approve the declaration of an emergency and to authorize the Director in consultation with the Chairman to negotiate a contract for the construction of this project. The Declaration of Emergency and Corrective Action is for immediate repairs to Bridge No. 14.4 over Wild Horse Creek on the Turner Turnpike in accordance with Oklahoma Statutes, Title 61, Section 130.**

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Hal Ellis and seconded by Mr. Mike Leonard that the Authority approve this item as presented.

Mr. Brewster commented, "We had a discussion about this project in Committee and I specifically requested the staff make an investigation to determine whether there is any culpability or responsibility by any of the other contractors that performed this project originally. Based upon that, I would be in favor of the motion." Chairman Riebel stated that his comment was noted and would be included in the official minutes of the meeting.

The motion carried by the following vote:

YES: Brewster, Ellis, Ferguson, Leonard, and Riebel

**TAB 20      9591. Consider, take action and vote for the approval or disapproval of the award of the following contract(s) – Maintenance Division:**

	<u>Project No.</u>	<u>Low Bidder</u>	<u>Total Bid</u>	<u>Fund</u>
1.	CKT-MC-9 Total Routine Maintenance Creek Turnpike	C-P Integrated Services, Inc.	\$2,046,000.00	Revenue

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Clark Brewster and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 21      9592. Consider, take action and vote for the approval or disapproval of the following Purchase Request(s) – Maintenance Division:**

	<u>Contractor</u>	<u>Description</u>	<u>Total</u>	<u>Fund</u>
1.	Haskell Lemon Construction	2" milling and filling Asphalt PG 76-28 Turner Turnpike	\$259,285.65	Revenue

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Ken Fergeson and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 22      9593. Consider, take action and vote for the approval or disapproval of the following Engineering Design Services Contract(s):**

	<u>Project No.</u>	<u>Consultant</u>	<u>Service</u>	<u>Amount</u>	<u>Fund</u>
1.	MU-MC-34	FBS, Inc.	Design	\$211,500.00	R.M.
	Pavement Rehab		Survey	45,000.00	
	M.P. 12.0 – 19.0		Geotech	<u>10,000.00</u>	
	Muskogee Turnpike		TOTAL	\$266,500.00	

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Ken Fergeson and seconded by Mr. Mike Leonard that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**TAB 23      9594. Consider, take action and vote for the approval or disapproval of the following Engineering Design Services Contract(s):**

	<u>Project No.</u>	<u>Consultant</u>	<u>Service</u>	<u>Amount</u>	<u>Fund</u>
1.	T-MC-96	Poe & Associates	Design	\$287,000.00	R.M.
	Pavement Rehab		Survey	41,600.00	
	M.P. 146.0 – 156.0		Geotech	37,650.00	
	Turner Turnpike		FWD pass through	<u>17,350.00</u>	
			TOTAL	\$384,100.00	

Mr. Eric Strong presented this item stating that it was reviewed by the Engineering and Construction Committee and staff recommended it for approval as presented.

It was moved by Mr. Clark Brewster and seconded by Mr. Hal Ellis that the Authority approve this item as presented.

The motion carried by the following vote:

YES: Brewster, Ellis, Fergeson, Leonard, and Riebel

**REPORTS:**

**Item #1. Operating Results**

Ms. Wendy Smith stated that the Operations Report had been distributed by the Controller's Division for the month of May 2007. She stated that revenues were up 1.2% over May 2006. This was due to rising gas prices and because traffic was flat over Memorial weekend. Traffic was only up about a half a percent over the previous Memorial weekend.

Mr. Tomlinson asked about the year-to-date figures. Ms. Smith stated that we were about \$300,000 under last year. We are still trying to dig our way out of the bad winter. Mr. Tomlinson stated that the amount had been more substantial at one time. Ms. Smith stated yes, we were around \$2 million under at one point.

**Item #2. Trustee Report**

Mr. Mark McCoy, Bank of Oklahoma, reported that the trustee had reviewed the terms and covenants of the Trust Agreement and the Oklahoma Turnpike Trust Fund Accounts. The Authority was in continued compliance with the Trust Agreement for the month of May 2007. There were no exceptions to report.

**Item #3. Consulting Engineer Report**

Mr. Jimmy Sparks of The Benham Companies presented the Consulting Engineer Report for the month of May 2007. Concerning the Trust Requirements, Mr. Sparks stated that the general consultant was in the process of completing a review of projects for the 2008-2012 Capital Plan. Along with that comes their preliminary scope and estimates for those projects. Also, Benham is in the process of designing the deck repairs for Turner Turnpike Bridge No. 14.4. Plans will be delivered by the end of the month. A summary of the Capital Plan was included in the monthly report.

**Item #4. Highway Patrol Report**

Major Dennis Gann presented the OHP Report for the month of May 2007. Troopers made 9,681 violator contacts, assisted 1,046 motorists, and investigated 119 motor vehicle collisions. There were two fatalities reported in the month of May. These fatalities occurred on the Turner Turnpike.

He stated that Special Emphasis troopers worked 41 shifts on the Turner and Will Rogers Turnpikes and made 418 violator contacts. Turnpike aircraft flew a total of 68 hours during the month of May with 72 enforcement contacts.

In addition, troopers dedicated 629 hours toward toll enforcement, which resulted in 101 citations, 857 warnings, confiscation of 8 PIKEPASSes, and 79 toll violation letters issued. He reported that the size and weights troopers worked 405 hours on the system with 8 arrests, 71 warnings, 155 inspections, and placement of 25 commercial vehicles out of service.

Major Gann stated that Troopers confiscated drugs with an estimated street value of \$543,000 and took \$44,620 of illegal drug money off the System in the month of May.

Mr. Fergeson commented that he had recently read where there was a coordinated effort for possibly all the mid-west states to crack down on trucks that were overweight, illegal, not safe, etc. He asked if we were participating in that effort. Major Gann stated yes, that our size and weights troopers were following that program.

**Item #5. Director's Report**

Mr. Tomlinson asked Ms. Wendy Smith to summarize the bond sale for public interest. Ms. Smith stated that Mr. Riebel and Mr. Tomlinson were at Bank of Oklahoma's office to close the bond deal on June 5-6, 2007. The bonds were sold on May 22-23, 2007. She stated that 68% of those bonds went retail and the other 32% went institutional. We ended up having a net present value benefit of \$1.6 million, which translated to \$300,000 per year reduction in our debt service. Part of that was due to the fact that we had some debt reserve funds that we could transfer over. Our all in cost of capital was 4.214%. BOSC sold about half of the bonds and the rest of the selling groups sold the other half. It was very successful with a \$300,000 annual savings for 15 years. The total issue was \$45 million.

Mr. Tomlinson also commented on the crack down of overweight trucks stating that ODOT had sponsored legislation that this Authority also advocated regarding trying to speed up the permitting process for trucks with over-weight, over-length, and non-conforming loads. In connection with that legislation there has been a vehicle set up whereby there will be some money come out of that to rebuild and modernize over a fairly long period of time the weigh stations that are not in very good condition in Oklahoma. This long-range project will also benefit the Turnpike Authority.

Mr. Tomlinson stated that Member Greg Massey, Durant, had resigned. Mr. Massey was appointed by Governor Henry to the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges. Mr. Massey chaired the Finance Committee. A replacement has not yet been named.

**ADJOURNMENT:**

The meeting adjourned at 12:06 p.m. until July 18, 2007 at 11:30 a.m. at the Oklahoma Turnpike Authority, Neal A. McCaleb Building, at 3500 Martin Luther King Avenue, Oklahoma City, Oklahoma.

**ATTEST:**

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Ken Fergeson  
Secretary/Treasurer

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Doug Riebel  
Chairman