

AGENDA ITEM 28

Consider authorizing advertising and setting date to receive bids on heavy equipment for URS.

Moved: **Judge Doerfler**

Seconded: **Commissioner Boatright**

Motion: To authorize advertising and setting date to receive bids on heavy equipment for URS for Tuesday, November 20, 2001 at 2:00 p.m. in the Commissioners' Courtroom.

Vote: **5 - 0**

AGENDA ITEM 29

Consider entering into development agreement for realignment of CR 116.

Moved: **Commissioner Heiligenstein**

Seconded: **Judge Doerfler**

Motion: To enter into an agreement for realignment of CR 116 with the developer.

Vote: **5 - 0**

< Attachment >

Jane Tableriou

From: Joe England
Sent: Wednesday, October 10, 2001 5:14 PM
To: John Doerfler
Cc: Mike Heiligenstein; David Flores; Bruce Barton (E-mail)
Subject: Development Agreement for CR 116 Realignment

Judge-

As per our telephone conversation this afternoon, attached is the bill that may give us the opportunity to enter into a development agreement with Greg Hall that would expedite the construction of our project. Please review lines 3-16 through 4-19.

I would appreciate comments from all recipients so that I can know what direction to head in.

Thank you.

Joe England



SB 873 developer
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SB 873

1-1 AN ACT

1-2 relating to infrastructure planning in certain urban counties.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Chapter 232, Local Government Code, is amended by

1-5 adding Subchapter E to read as follows:

1-6 SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS

1-7 IN CERTAIN URBAN COUNTIES

1-8 Sec. 232.100. APPLICABILITY. This subchapter applies only

1-9 to the subdivision of land that is:

1-10 (1) subject to county regulations under Subchapter A

1-11 or B; and

1-12 (2) in a county that:

1-13 (A) has a population of 150,000 or more and is

1-14 adjacent to an international border;

1-15 (B) has a population of 700,000 or more; or

1-16 (C) is adjacent to a county with a population of

1-17 700,000 or more and is within the same metropolitan statistical

1-18 area as that adjacent county, as designated by the United States

1-19 Office of Management and Budget.

1-20 Sec. 232.101. RULES. (a) By an order adopted and entered

1-21 in the minutes of the commissioners court and after a notice is

1-22 published in a newspaper of general circulation in the county, the

1-23 commissioners court may adopt rules governing plats and

1-24 subdivisions of land within the unincorporated area of the county

1-25 to promote the health, safety, morals, or general welfare of the

2-1 county and the safe, orderly, and healthful development of the

2-2 unincorporated area of the county.

2-3 (b) Unless otherwise authorized by state law, a

2-4 commissioners court shall not regulate under this section:

2-5 (1) the use of any building or property for business,

2-6 industrial, residential, or other purposes;

2-7 (2) the bulk, height, or number of buildings

2-8 constructed on a particular tract of land;

2-9 (3) the size of a building that can be constructed on

2-10 a particular tract of land, including without limitation and

2-11 restriction on the ratio of building floor space to the land square

2-12 footage; or

2-13 (4) the number of residential units that can be built

2-14 per acre of land.

2-15 (c) The authority granted under Subsection (a) is subject to

2-16 the exemptions to plat requirements provided for in Section

2-17 232.0015.

2-18 Sec. 232.102. MAJOR THOROUGHFARE PLAN. By an order adopted

2-19 and entered in the minutes of the commissioners court and after a

2-20 notice is published in a newspaper of general circulation in the

2-21 county, the commissioners court may:

2-22 (1) require a right-of-way on a street or road that

2-23 functions as a major thoroughfare of a width of not more than 120

2-24 feet; or

2-25 (2) require a right-of-way on a street or road that

2-26 functions as a major thoroughfare of a width of more than 120 feet,

3-1 if such requirement is consistent with a transportation plan

3-2 adopted by the metropolitan planning organization of the region.
3-3 Sec. 232.103. LOT FRONTAGES. By an order adopted and
3-4 entered in the minutes of the commissioners court and after a
3-5 notice is published in a newspaper of general circulation in the
3-6 county, the commissioners court may adopt reasonable standards for
3-7 minimum lot frontages on existing county roads and establish
3-8 reasonable standards for the lot frontages in relation to curves in
3-9 the road.

3-10 Sec. 232.104. SET-BACKS. By an order adopted and entered in
3-11 the minutes of the commissioners court and after a notice is
3-12 published in a newspaper of general circulation in the county, the
3-13 commissioners court may establish reasonable building and set-back
3-14 lines as provided by Chapter 233 without the limitation period
3-15 provided by Section 233.004(c).

3-16 Sec. 232.105. DEVELOPER PARTICIPATION CONTRACTS.
3-17 (a) Without complying with the competitive sealed bidding
3-18 procedure of Chapter 262, a commissioners court may make a contract
3-19 with a developer of a subdivision or land in the unincorporated
3-20 area of the county to construct public improvements, not including
3-21 a building, related to the development. If the contract does not
3-22 meet the requirements of this subchapter, Chapter 262 applies to
3-23 the contract if the contract would otherwise be governed by that
3-24 chapter.

3-25 (b) Under the contract, the developer shall construct the
3-26 improvements, and the county shall participate in the cost of the
4-1 improvements.

4-2 (c) The contract must establish the limit of participation
4-3 by the county at a level not to exceed 30 percent of the total
4-4 contract price. In addition, the contract may also allow
4-5 participation by the county at a level not to exceed 100 percent of
4-6 the total cost for any oversizing of improvements required by the
4-7 county, including but not limited to increased capacity of
4-8 improvements to anticipate other future development in the area.
4-9 The county is liable only for the agreed payment of its share,
4-10 which shall be determined in advance either as a lump sum or as a
4-11 factor or percentage of the total actual cost as determined by an
4-12 order of the commissioners court.

4-13 (d) The developer must execute a performance bond for the
4-14 construction of the improvements to ensure completion of the
4-15 project. The bond must be executed by a corporate surety in
4-16 accordance with Chapter 2253, Government Code.

4-17 (e) In the order adopted by the commissioners court under
4-18 Subsection (c), the county may include additional safeguards
4-19 against undue loading of cost, collusion, or fraud.

4-20 Sec. 232.106. CONNECTION OF UTILITIES. By an order adopted
4-21 and entered in the minutes of the commissioners court, and after a
4-22 notice is published in a newspaper of general circulation in the
4-23 county, the commissioners court may impose the requirements of
4-24 Section 232.029.

4-25 Sec. 232.107. PROVISIONS CUMULATIVE. The authorities under
4-26 this subchapter are cumulative of and in addition to the
5-1 authorities granted under this chapter and all other laws to
5-2 counties to regulate the subdivision of land.

5-3 SECTION 2. Subsections (a) and (c), Section 242.001, Local
5-4 Government Code, are amended to read as follows:

5-5 (a) This section applies only to a county operating under

- 5-6 Sections 232.001-232.005 or Subchapter B, [or] C, or E, Chapter
5-7 232.
5-8 (c) In the extraterritorial jurisdiction of a municipality,
5-9 the municipality may regulate subdivisions under Subchapter A of
5-10 Chapter 212 and other statutes applicable to municipalities, and
5-11 the county may regulate subdivisions under Sections
5-12 232.001-232.005, Subchapter B, [or] C, or E, Chapter 232, and other
5-13 statutes applicable to counties. If a municipal regulation
5-14 conflicts with a county regulation, the more stringent provisions
5-15 prevail.
5-16 SECTION 3. (a) This Act takes effect September 1, 2001.
5-17 (b) The changes in law made by this Act apply only to a
5-18 subdivision of land for which a plat application is filed on or
5-19 after September 1, 2001. A subdivision of land for which a plat
5-20 application was filed before September 1, 2001, is governed by the
5-21 law in effect when the plat application was filed, and the former
5-22 law is continued in effect for that purpose.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 873 passed the Senate on
April 19, 2001, by a viva-voce vote; and that the Senate concurred
in House amendments on May 17, 2001, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 873 passed the House, with
amendments, on May 10, 2001, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

AGENDA ITEM 30

Discuss and take appropriate action concerning awarding contract for HMO Health plan provider.

Bids for the HMO Health Plan were received from the following:

Amil International, Inc.

Moved: **Commissioner Boatright**

Seconded: **Commissioner Limmer**

Motion: To award contract for HMO Health plan provider to Amil International, Inc.

Vote: **5 - 0**

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