

**AGENDA ITEM 26**

Hold public hearing regarding the vacation of Lots 118 and 119 of San Gabriel River Ranch, Section One.

Judge Doerfler announced the public hearing on the vacation of Lots 118 and 119 of San Gabriel River Ranch, Section One open at 10:20 a.m. on Tuesday, April 30, 2002.

County Engineer Joe England discussed the proposed vacation of the lots.

Judge Doerfler announced the public hearing on the vacation of Lots 118 and 119 of San Gabriel River Ranch, Section One closed at 10:21 a.m. on Tuesday, April 30, 2002.

**AGENDA ITEM 27**

Discuss and consider approving the vacation of Lots 118 and 119 of San Gabriel River Ranch, Section One.

Moved: **Commissioner Boatright**

Seconded: **Judge Doerfler**

Motion: To approve the vacation of Lots 118 and 119 of San Gabriel River Ranch, Section One.

Vote: **5 - 0**

**AGENDA ITEM 28**

Discuss and take appropriate action on road bond program.

Road Bond Manager Mike Weaver discussed some proposed Texas Transportation Commissioner Minute Orders for Loop 1, SH 130 and SH 45. He discussed a meeting with S & P and Moody's representatives, scheduled for May 13, 2002, to discuss the county's bond rating. The meeting will include a lunch and a helicopter tour of the county's growth areas. Mr. Weaver presented the court with a draft of the agenda for a joint Commissioners' Court meeting with Travis County. Commissioner Heiligenstein asked that North Loop be added to Item 2 on the agenda.

Mr. Weaver asked for authorization for Alan Glenn to prepare a grant application for a U.S. Fish & Wildlife grant, which requires a 25% match.

Moved: **Judge Doerfler**

Seconded: **Commissioner Hays**

Motion: To authorize Alan Glenn to prepare a grant application for a grant from U.S. Fish & Wildlife.

Vote: **5 - 0**

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To amend the Sheets & Crossfield Attorney/Client Engagement Agreement to change Julie Wolff's rate of pay from \$55.00/hour to \$75.00/hour.

Vote: **5 - 0**

< Attachment >

## TEXAS TRANSPORTATION COMMISSION

TRAVIS AND WILLIAMSON County

## MINUTE ORDER

Page 1 of 2

District AUSTIN

Transportation Code, §222.053(b) authorizes the Texas Transportation Commission (commission) to require, request, or accept from a political subdivision matching or other local funds, rights of way, utility adjustments, additional participation, planning, or any local incentives to make the most efficient use of its highway funding.

Pursuant to that authority, the commission has adopted rules prescribing minimum local government cost participation ratios for highway improvement projects, codified in 43 TAC §15.55.

In TRAVIS, WILLIAMSON, CALDWELL, and GUADALUPE COUNTIES, STATE HIGHWAY 130 is a proposed controlled access highway from Interstate Highway 35 at State Highway 195 to Interstate Highway 10 at Seguin.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY 45 is a proposed controlled access highway from FM 734 on the west side to the intersection of Louis Henna Boulevard and CR 170 on the east, including transitions east of CR 170.

In TRAVIS and WILLIAMSON COUNTIES, STATE HIGHWAY LOOP 1 is a proposed controlled access highway from the intersection of existing Loop 1 and FM 734 in Austin to the proposed intersection of Loop 1 and SH 45.

On November 16, 2000, the commission adopted Minute Order 108365, authorizing the Texas Department of Transportation (department) to provide up to 50 percent of the cost of right of way acquisition and utility adjustments for Loop 1, not to exceed \$40 million, with the remaining 50 percent to be provided by local entities.

By letter dated December 27, 2001, the county judges of Travis and Williamson counties and the mayor of the City of Austin offered, as an alternative to the requirements of Minute Order 83157, dated May 22, 1985, to recommend to their respective governing bodies that those entities deliver to the department a total of \$150 million that would be available for the department to use for any purpose to forward the construction of SH 130.

Of the \$150 million, \$90 million would be provided by Travis County, \$45 million by Williamson County, and \$15 million by the City of Austin. The \$150 million exceeds the cost participation requirements prescribed in 43 TAC §15.55.

IT IS THEREFORE ORDERED by the commission that the executive director of the department is directed to tender the following proposal to Travis County, Williamson County, and the City of Austin:

Provided Travis County will:

1. Agree to provide \$90 million to the department for the SH 130 project.
  2. Enter into any funding agreements currently being negotiated with the department that are necessary to advance the construction of SH 45 and Loop 1.
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## TEXAS TRANSPORTATION COMMISSION

TRAVIS AND WILLIAMSON County

## MINUTE ORDER

Page 2 of 2

District AUSTIN

Provided Williamson County will:

1. Agree to provide \$45 million to the department for the SH 130 project.
2. Enter into any funding agreements currently being negotiated with the department that are necessary to advance the construction of SH 45 and Loop 1.

Provided the City of Austin will:

1. Agree to provide \$15 million to the department for the SH 130 project.
2. Enter into any funding agreements currently being negotiated with the department that are necessary to advance the construction of SH 45 and Loop 1.

The department will:

1. Provide the remaining funds necessary to acquire right of way for SH 130 in Travis and Williamson counties and in the City of Austin.
2. Rescind the \$40 million cap on department participation in the cost of right of way and utility adjustments for Loop 1, with the understanding that department participation will continue to be limited to 50 percent of those costs.

IT IS FURTHER ORDERED that upon the acceptance of the provisions of this order by the governing bodies of Travis and Williamson counties and the City of Austin, the director of the Texas Turnpike Authority Division of the department is authorized to enter into any necessary agreements with Travis and Williamson counties and the City of Austin containing terms consistent with the provisions of this order.

This order shall become operative upon acceptance by Travis and Williamson counties and the City of Austin, and if not accepted within 45 days of the date of this order, the actions contained in this order shall not be implemented.

Submitted and reviewed by:

Recommended by:

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Director, Texas Turnpike Authority  
Division

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Executive Director

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108875

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APR 25 02Minute  
NumberDate  
Passed

## TEXAS TRANSPORTATION COMMISSION

VARIOUS County

## MINUTE ORDER

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District AUSTIN AND SAN ANTONIO

Transportation Code, §222.053(b) authorizes the Texas Transportation Commission (commission) to require, request, or accept from a political subdivision matching or other local funds, rights of way, utility adjustments, additional participation, planning, or any local incentives to make the most efficient use of its highway funding.

Pursuant to that authority, the commission has adopted rules prescribing local government cost participation ratios for highway improvement projects, codified in 43 TAC §15.55.

Minute Order 83157, dated May 22, 1985, tendered a proposal to the cities of Austin, Pflugerville, Round Rock, and Georgetown, and Travis and Williamson counties for the construction of a facility known as the Mogan transportation corridor, extending from Interstate Highway 35 north of Georgetown, south to U.S. Highway 183 near Austin. Under the proposal, those local governments would be required to furnish all required right of way and provide for the adjustment of all utilities not furnished or adjusted by a transportation corporation.

Minute Order 88243, dated January 30, 1989, tendered a proposal to Caldwell and Guadalupe counties for the construction of an alternate highway route to IH 35, extending from the intersection of US 183 and State Highway 71 in Travis County to the intersection of Interstate Highway 10 and Interstate Loop 410 in Bexar County. Under the proposal, Caldwell and Guadalupe counties would be required to provide 50 percent of the cost of right of way and 10 percent of the cost of eligible utility adjustments.

The facility described in Minute Orders 83157 and 88243, with a revised project scope after subsequent planning and studies, is now known as STATE HIGHWAY 130, extending from IH 35 at State Highway 195 to IH 10 at Seguin.

SH 130 was originally envisioned as a regionally significant, non-toll facility with access points to encourage economic development along the project. The project will now be designated as a tolled, controlled access facility and is considered to be a project of statewide significance. The project scope and alignment have changed significantly from that described in Minute Orders 83157 and 88243.

Moreover, the local cost participation requirements under Minute Orders 83157 and 88243 exceed the requirements prescribed in 43 TAC §15.55.

Due to these significant changes, it is now necessary to revise right of way acquisition and utility adjustment participation requirements for SH 130.

IT IS THEREFORE ORDERED by the commission that the right of way acquisition and utility adjustment participation requirements in Minute Orders 83157 and 88243 are rescinded.

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TEXAS TRANSPORTATION COMMISSION

VARIOUS County

MINUTE ORDER

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District AUSTIN AND SAN ANTONIO

IT IS FURTHER ORDERED that the director of the Texas Turnpike Authority Division of the Texas Department of Transportation is authorized and directed to enter into any funding agreements with the cities of Austin, Pflugerville, Round Rock, and Georgetown, and Travis, Williamson, Caldwell, and Guadalupe counties necessary to advance construction of SH 130, in accordance with the requirements of 43 TAC §15.55.

IT IS FURTHER ORDERED that all other provisions contained in Minute Orders 83157 and 88243 remain in effect.

Submitted and reviewed by:

Recommended by:

\_\_\_\_\_  
Director, Texas Turnpike Authority  
Division

\_\_\_\_\_  
Executive Director

<u>108874</u>	<u>APR 25 02</u>
Minute Number	Date Passed

## TEXAS TRANSPORTATION COMMISSION

VARIOUS County

## MINUTE ORDER

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District AUSTIN AND SAN ANTONIO

Transportation Code, Chapter 361, Subchapter I (act) authorizes the Texas Department of Transportation (department) to enter into exclusive development agreements with private entities that permit the private entities, independently or jointly with the department, to develop and operate turnpike projects.

Pursuant to that authority, the former board of directors (board) of the Texas Turnpike Authority Division of the department (TTA) adopted rules prescribing how TTA will obtain and evaluate proposals from private entities to develop a turnpike project under an exclusive development agreement, codified in 43 TAC, Chapter 54 (rules).

Pursuant to the act and the rules, on February 21, 2000, TTA issued a request for qualifications for developing and maintaining STATE HIGHWAY 130 as a turnpike project from Interstate Highway 35 at State Highway 195 to Interstate Highway 10 at Seguin (project).

All of the responding consortia were designated by the board for inclusion on a short list of developers to whom, on August 23, 2001, TTA issued a request for proposals to construct, maintain, and repair the project through an exclusive development agreement and capital maintenance agreement (project agreements).

The request for proposals provides that the department will issue a Notice of Intent to Award the project agreements that will trigger a proposer's right to protest the award, and that the project agreements will be awarded to the proposal determined to provide the best value to the state.

On February 4, 2002, technical and price proposals were received from Lone Star Infrastructure (LSI), Four Rivers Developers (4RD), and Texas Corridor Constructors (TCC). On February 22, 2002, TTA issued a request for best and final offers (BAFOs). BAFOs were received from LSI, 4RD, and TCC on March 4, 2002. From February 4, 2002 until March 8, 2002, the department evaluated technical and price proposals and BAFOs from the three proposers.

The technical proposals were evaluated in the categories of development technical, development management, quality control and quality assurance, maintenance management, maintenance technical, community outreach, and innovation. The proposals were evaluated using qualitative ratings of poor, fair, good, very good, and excellent in each category, and assigned technical scores based on those ratings.

The price proposals were scored based on the price proposal value (PPV) of each proposal, determined by the sum of (1) the present value of the proposal's development costs, as determined from the payout rate submitted, (2) adjustments for the construction schedule submitted and pavement type selected, and (3) the present value of capital maintenance costs.

The final total proposal scores were determined by adding (1) each proposal's technical score, divided by the high technical score and multiplied by 15, and (2) each proposal's PPV, divided into the low PPV and multiplied by 85. LSI's final total proposal score was 99.87, 4RD received a score of 95.80, and TCC received a score of 84.78. The proposal submitted by LSI was accordingly determined to provide the apparent best value.

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## TEXAS TRANSPORTATION COMMISSION

VARIOUS County

## MINUTE ORDER

Page 2 of 2

District AUSTIN AND SAN ANTONIO

Transportation Code, §203.003 authorizes the Texas Transportation Commission (commission) to lay out, construct, maintain, and operate a designated state highway, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare, and Transportation Code, §361.101 requires the commission to approve the location of turnpike projects constructed by the department under that chapter.

Pursuant to §361.101, the commission has adopted rules prescribing procedures for securing approval of the location of a turnpike project, codified in 43 TAC §27.15. In accordance with §27.15, the commission has determined that the project may be effectively integrated into the state highway system, the department is able to construct any connecting roads necessary for the project to generate sufficient revenue to pay the debt incurred for its construction, and points of ingress and egress are designed in a manner that ensures the proper operation and maintenance of the project.

IT IS THEREFORE ORDERED by the commission that State Highway 130 from Interstate Highway 35 at State Highway 195 to Interstate Highway 10 at Seguin is designated as a turnpike project on the state highway system and is designated as a controlled access facility for the purpose of development, maintenance, and operation, and that the alignment and location of the project specified as the selected alternative in the Record of Decision for SH 130 issued by the Federal Highway Administration on June 5, 2001, is approved.

IT IS FURTHER ORDERED that the determination that the proposal submitted by Lone Star Infrastructure provides the best value to the state is approved, and the department is authorized and directed to complete discussions with Lone Star Infrastructure necessary to finalize agreements to construct, maintain, and repair SH 130.

IT IS FURTHER ORDERED that the project agreements are awarded to Lone Star Infrastructure, subject to, and effective upon the occurrence of, all of the following: (1) the conclusion of discussions, (2) the issuance of a Notice of Intent to Award by the department, (3) applicable FHWA approvals as identified by the department, and (4) the execution and delivery of the project agreements by the executive director of the department.

Submitted and reviewed by:

Recommended by:

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Director, Texas Turnpike Authority  
Division

\_\_\_\_\_  
Executive Director

<u>108873</u>	<u>APR 25 02</u>
Minute	Date
Number	Passed

**Michael Weaver**

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**From:** "Prime Strategies, Inc." <prime@austin.rr.com>  
**To:** "Dan Wegmiller" <dwegmiller@firstsw.com>  
**Cc:** "Michael J. Weaver" <mjweaver@austin.rr.com>  
**Sent:** Monday, April 29, 2002 9:55 AM  
**Subject:** Meeting w/Moody's, S&P Reps

Dan,

Let's schedule the afternoon as follows:

Lunch in Georgetown 12:00 - 1:00 PM  
Helicopter tour 1:30 to 3:00 PM  
Meeting with Charlie Ball in Round Rock 3:30 to 4:00 PM

I'll confirm helicopter reservation and coordinate with Charlie's office. Let me know if there's anything else.

Paula  
Paula Gruber  
Prime Strategies, Inc.  
1508 S. Lamar Blvd.  
Austin, Texas 78704  
voice 512.445.7074, x201  
fax 512.445.7064  
[prime@austin.rr.com](mailto:prime@austin.rr.com)

4/29/02

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DRAFT

**AGENDA****Travis County -Williamson County  
Joint Commissioner Courts Worksession****May 21, 2002**

The Commissioners Courts of Travis County, Texas and Williamson County, Texas will meet in a special session on Tuesday, May 21, 2002 in the Appropriations Committee Hearing Room, Room E1.030, at the State Capitol in Austin, Texas to discuss the following items:

1. Status and schedule of SH 130 Exclusive Development Agreement
  - a. Doug Fuller, Lone Star Infrastructure
  - b. Phillip Russell, TxDOT, Texas Turnpike Authority Division
2. SH 130/SH 45 Right-of-Way Funding Agreements/Minute Orders
  - a. Nancy Ledbetter, Director of Transportation Planning, Williamson County
  - b. Joe Gieselman, Executive Manager, Transportation and Natural Resources, Travis County
  - c. Lisa Gordon, Assistant City Manager, City of Austin
3. Regional Mobility Authority Rules
  - a. Tom Nuckols, Travis County
  - b. Brian Cassidy, Locke, Liddell & Sapp
4. Creation of Regional Mobility Authority
  - a. Application - Frank Smith, PB Consult
  - b. Regional Plan of Projects - Richard Ridings, P.E., HNTB Corporation
5. Next Steps/Other Issues
  - a. Michael J. Weaver, Prime Strategies, Inc.

ATTORNEYS AT LAW  
309 East Main Street • Round Rock, TX 78664-5246  
phone 512-255-8877 • fax 512-255-8986

**ATTORNEY/CLIENT ENGAGEMENT AGREEMENT**  
(Hourly Basis)

THIS ENGAGEMENT AGREEMENT ("Agreement") is made this 30<sup>th</sup> day of APRIL, 2002,  
\_\_\_\_\_ at Georgetown, Texas by and between WILLIAMSON COUNTY, "Client", and Sheets &  
Crossfield, P.C., "Attorney".

Client, in consideration of services to be rendered by Attorney to Client, retains Attorney to represent  
it as attorney in connection with the acquisition of right-of-way, and the prosecution of condemnation cases  
on behalf of the County, said services described more fully below.

**Client and Attorney agree:**

1. Attorney will devote his professional abilities to the matter, strive to keep Client informed of all  
significant developments in this case and be available to answer inquiries.
2. Client empowers Attorney to take all steps in said matter deemed by Attorney to be advisable.
3. Client agrees to compensate Attorney for his services at the rate of \$165 per hour for the time which  
has been devoted to Client's case. From time to time it may be necessary for other members of the law firm  
to assist in the Client's matter, and Client agrees to compensate Attorney for these services at the following  
rates:

Partner attorney:	\$165/hr
Litigation attorney:	\$150/hr
Associate attorney:	\$125/hr
Legal assistant (r-o-w)	\$ 75/hr

Client agrees to pay to Attorney costs and disbursements incurred in said matter, including but not  
limited to: (1) long distance telephone charges; and (4) facsimile charges.

4. Attorney's fee will include the following services:

Obtain right-of-way expeditiously, at the most equitable cost to Client.

Responsibilities include meeting with project manager and Client regarding road location issues, verifying  
property owners, obtaining appraisals, supervising right-of-way personnel to insure good faith negotiation,  
delivery of offer letters, prosecuting and supervising the prosecution of condemnation cases and consultation  
with Client and County Attorney regarding all of the above.

5. **Client has the right to cancel this Agreement and terminate Attorney's representation at any time by written notice to Attorney.** Attorney agrees that irrespective of the merit of any cause of action, Attorney will never contest fee payments, or institute legal proceedings to recover said fee payments.

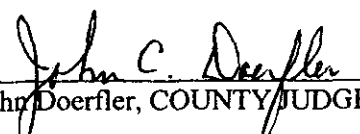
6. Client and Attorney agree that this Agreement can only be amended by a written document signed by both Client and Attorney.

DATED: 4/30/02

SHEETS & CROSSFIELD, P.C.

By:   
Charles Crossfield

WILLIAMSON COUNTY

By:  4-30-02  
John Doerfler, COUNTY JUDGE

**AGENDA ITEM 29**

Discuss and take appropriate action on jail/courthouse annex expansion.

Ed Lee gave a report on the progress of the jail expansion project. He said that there was a meeting yesterday with the Sheriff's staff concerning the control room redesign and security. He stated that he believes that everything has been resolved to everyone's satisfaction.

He stated that the permits have all been approved and released by the City of Georgetown for the parking garage. He said that there are still some excavation issues at the parking garage site, but that they are starting to pour the concrete today.

He stated that the design has been finalized for the courts project, and that they are in the process of finalizing the bid documents for a June bid, and that most of the Landmark contract issues have been settled. He said that there are several solutions for the library, including the possibility of finishing out part of the attic for a possible location there.

He said that most of the utility relocation is complete, but there is an issue with one of the manholes. The angle of a line on the as-built drawings did not match the actual angle of the existing line, which will require the addition of another manhole.

Mr. Lee stated that the City will require a temporary exit that would go through the District Clerk's office during the courts addition phase, as directed by the Fire Marshall.

**AGENDA ITEM 30**

Discuss and consider setting date to advertise and open bids for tearing down the building on the Hewlett property.

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To authorize advertising and to set date to open bids for tearing down the building on the Hewlett property for May 28, 2002 at 2:00 p.m. in the County Auditor's office.

Vote: **5 - 0**

**AGENDA ITEM 31**

Consider approving agreement with Hy-Land North Joint Venture to install landscaping in the right-of-way of Sendero Springs Drive.

Moved: **Commissioner Hays**

Seconded: **Commissioner Boatright**

Motion: To approve agreement with Hy-Land North Joint Venture to install landscaping in the right-of-way of Sendero Springs Drive, subject to final approval by the County Engineer.

Vote: **5 - 0**

< Attachment >