

**AGENDA**

**SAN GABRIEL HEALTH FACILITIES DEVELOPMENT CORPORATION**

**May 27, 2003**

**11:00 a.m. or Upon Adjournment of Commissioners Court Meeting**

**Commissioners Court Chambers  
Williamson County Courthouse  
710 Main Street, 2nd Floor  
Georgetown, Texas 78626**

- (1) Call the meeting to order.
  - (2) Elect officers.
  - (3) Approve Articles of Incorporation and Bylaws.
  - (4) Approve seal of corporation.
  - (5) Public hearing regarding the issuance of not to exceed \$7,600,000 in bonds for the YMCA of Greater Williamson County.
  - (6) Authorize filing notice of intent to issue bonds with the County in accordance with Chapter 221 Health and Safety Code.
  - (7) Adjourn meeting.
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**MINUTES****of the****WILLIAMSON COUNTY COMMISSIONERS' COURT MEETING****May 27, 2003**

THE STATE OF TEXAS     )(

COUNTY OF WILLIAMSON)(

BE IT REMEMBERED that at 9:39 a.m. on May 27, 2003, a SPECIAL SESSION of the Commissioners' Court of Williamson County, Texas, was held with the following being present, to-wit:

JOHN C. DOERFLER, County Judge  
MICHAEL L. HEILIGENSTEIN, Commissioner, Precinct 1  
GREGORY W. BOATRIGHT, Commissioner, Precinct 2  
DAVID HAYS, Commissioner, Precinct 3  
FRANKIE LIMMER, Commissioner, Precinct 4  
EUGENE D. TAYLOR, County Attorney  
NANCY E. RISTER, County Clerk

**AGENDA ITEM 1**

Hear any interested person and consider forming the next agenda or adding items to today's agenda.

Mike Robinson, from the Regional Mobility Authority Board, discussed a letter that the RMA would like the Commissioners and Judge to send to Senators Wentworth and Barrientos. He stated that Senator Ogden has expunged the RMA efforts and this letter is to try to gain Senator Ogden's support for the people of Williamson County and the RMA's efforts. He handed out four pages of changes that Senator Ogden has made to HB 3588. Mike Weaver said that there was a Senate Committee Hearing last night and that hopefully the Senate will consider the whole bill tomorrow. Mike Robinson stated that of all the proposed changes, the one that affects RMA and Williamson County the most is taking away the authority to design/build.

**Commissioner Heiligenstein** offered to call Judge Sims to see if he has any insight as to what is going on.

&lt;Attachment&gt;

To be sent to Senators Wentworth and Barrientos

Dear Senator \_\_\_\_\_;

On behalf of Williamson County and the Central Texas Regional Mobility Authority we are writing to express our concerns, and honestly our dismay, regarding Senator Ogden's amendments contained in C.S.H.B. 3588. The Commissioners Courts of Travis County and Williamson County have joined together under the direction of the Texas Transportation Commissioners to address our regional mobility needs through the creation of the Central Texas Regional Mobility Authority (CTRMA).

The CTRMA has had numerous meetings with TxDOT Commissioners and with the financial community regarding future CTRMA turnpike projects. The rating agencies and financial markets have identified several critical items the CTRMA needs to obtain a good bond rating. These include:

- Quick take provisions of right of way acquisition
- Design/build/exclusive development authority
- Ability to convert state highways to turnpike projects with only TxDOT approval
- Ability to enter into agreements with the private sector and governmental entities to provide other sources of revenue than just tolls

All of these powers and responsibilities have a direct affect on a toll authority's bond rating. The bond rating affects the interest rate – sometimes by as much as 100 to 150 basis points. This makes every project cost more some cases, for marginal projects, makes them less feasible.

We have spent considerable time and money to help the CTRMA. Our investment in the CTRMA depends upon the legislative initiative developed by Representative Mike Krusee as indicated in the previous Commissioners' Court resolution (see attached resolution) – we strongly support HB3588 as passed by the Texas House of Representatives.

Thank you

Williamson County Commissioners Court

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## MEMORANDUM

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[cbcassidy@lockeliddell.com](mailto:cbcassidy@lockeliddell.com)

TO: John Langmore  
Policy Director, House Transportation Committee

FROM: C. Brian Cassidy  
Locke Liddell & Sapp LLP

Mike Weaver  
Prime Strategies, Inc.

DATE: May 20, 2003

RE: Benefits to RMAs From H.B. 3588

I understand that Senator Ogden has inquired as to what benefits a regional mobility authority ("RMA") may realize from H.B. 3588 that it would not otherwise accomplish through the passage of H.B. 156 and H.B. 157. As you know, the latter two bills were intended to provide a minimal "fix" to omissions from the RMA legislation passed last session, whereas H.B. 3588 is the consolidated transportation plan advocated by the State leadership which includes enhanced powers and a comprehensive, self-contained statute for RMAs. Focusing just on RMAs, the benefits to those authorities that are not present in existing legislation (or added by H.B. 156 and 157) are numerous, and include the following:

1. Use of exclusive development agreements (EDAs) for development of transportation projects. This is particularly important for RMAs, which typically will not have a large staff of people to process projects. Absence of EDA authority can extend the project development process by 12-18 months.
2. Increased options for local financial participation in projects, through TIFs, local purchases of turnpike revenue bonds, county backing of RMA debt, and other means.
3. A multimodal approach to transportation planning, financing, and development by regional entities actually engaged in the development of transportation projects. (While MPOs have some ability to do multimodal transportation planning, they are not the entities charged with actual development responsibility.)
4. Increased economic efficiencies through multimodal transportation project development, such as the integrated development of a commuter rail station, a park and ride facility, and a toll road terminus.

Memo to John Langmore  
May 20, 2003  
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5. Revenue enhancement for transportation projects through the collocation of public utility facilities in transportation facilities.

6. Authorization to fund air quality improvement initiatives and early action compacts designed to avoid nonattainment designations.

7. Ability to convert existing state highway system assets to turnpike projects and convey those to an authority so that the economic benefits can be retained and utilized within the region for transportation improvements.

8. Ability to construct a project in an adjacent county with the consent of that county or at the request of such county.

9. Ability to provide landowners with "participation payments" for real property acquired in connection with a transportation project.

10. Board terms of 6 years which are viewed as preferable by capital markets (instead of existing 2-year terms).

11. Statutory clarification as to the manner in which counties may be added to, or may withdraw from, an RMA.

It is also important to remember that this is a bill with statewide applicability and that it is intended to give regions of the state the ability to be proactive in addressing transportation needs and to identify sources of revenue for other needed projects in the area. This is particularly important given the decreasing amount of money TxDOT has for new capacity.

**SENATE COMMITTEE SUBSTITUTE TO HOUSE BILL 3588****SUMMARY OF CHANGES TO ENGROSSED BILL****ARTICLE 1 - TRANS - TEXAS CORRIDOR**

✓ PRIOR TO DESIGNATING CORRIDOR, TXDOT MUST HOLD HEARINGS IN EACH COUNTY IN WHICH THE CORRIDOR MAY BE LOCATED

\* LIMITS POOLING OR SYSTEM FINANCING OF PROJECTS TO WITHIN TWO ADJACENT TXDOT DISTRICTS OR WITHIN AN MPO

PROVIDES THAT OTHER GOVERNMENTAL ENTITIES CONSTRUCTING OR OPERATING A SEGMENT OF THE CORRIDOR MAY ONLY DO SO WITHIN THEIR GEOGRAPHIC AREA

PROHIBITS OTHER GOVERNMENTAL ENTITIES FROM USING QUICK TAKE

LIMITS TXDOT QUICK TAKE PER HOUSE BILL 3184 - 91 DAY NOTICE FOR HOMESTEAD AND TXDOT MUST COMPLETE PUBLIC INVOLVEMENT AND ENVIRONMENTAL REVIEW FIRST

EDA PROCESS SAME AS HOUSE BILL 3184, INCLUDING MORE OPEN TO PUBLIC AND LIMIT ON FINANCIAL PARTICIPATION

LIMITS ACQUIRING PROPERTY TO GENERATE REVENUE - MUST DIRECTLY BENEFIT USERS OF THE TRANSPORTATION PROJECT

PLACES 20% CAP ON STATE HIGHWAY FUNDS DISBURSED FOR CORRIDOR - THIS CAP APPLIES TO RIGHT OF WAY FOR ALL FACILITIES, AND INITIAL CONSTRUCTION FOR HIGHWAYS

\* PLACES \$25 MILLION PER YEAR CAP ON CONSTRUCTION OF NON-HIGHWAY FACILITIES, SUCH AS RAIL, UTILITIES, AND ANCILLARY FACILITIES

PREVENTS ACCESS DISCRIMINATION

ADDS PROVISION TO ASSURE CONGESTION RELIEF

\* REMOVES LIBERAL CONSTRUCTION AND INTENT

REMOVES ABILITY OF TXDOT TO ACQUIRE ROLLING STOCK

LIMITS ADVANCED ACQUISITION TO THE PURCHASE OF OPTIONS

REMOVES VARIOUS NON-ESSENTIAL PROVISIONS

*Ross*  
\* are items not  
going up on 2  
must have. 5/11  
provide bullet  
intro.  
WEAVE

ARTICLE 2 - REGIONAL MOBILITY AUTHORITIES

✓ \* REMOVES ABILITY TO CONSTRUCT, MAINTAIN, OPERATE RAIL, AIR, AND PUBLIC UTILITY FACILITIES

✓ \* REMOVES EDA POWERS

✓ \* LIMITS CONVERSION OF NON-TOLLED TXDOT HIGHWAY TO RMA TURNPIKE TO IMPROVEMENT OR EXTENSION OF THE CONVERTED HIGHWAY, AND CONVERSION MUST BE APPROVED BY COUNTY

✓ \* REMOVES ABILITY OF RMA TO ACT OUTSIDE ITS GEOGRAPHIC AREA

✓ \* REMOVES QUICK TAKE POWERS

REMOVES ABILITY TO CONTRACT WITH MEXICO

EXECUTIVE DIRECTOR'S SALARY CANNOT BE MORE THAN TXDOT'S

REQUIRES COMMISSION APPROVAL OF THE CONSTRUCTION OF ALL RMA PROJECTS

REQUIRES COMPETITIVE LOW BID FOR HIGHWAY IMPROVEMENT CONTRACTS AND COMPLIANCE WITH PROFESSIONAL SERVICES PROCUREMENT ACT

✓ \* REMOVES DESIGN BUILD POWERS

SIGNIFICANTLY LIMITS RMA POWERS TO CONTRACT, FRANCHISE, LICENSE OR LEASE FOR NON-TRANSPORTATION FACILITIES AND USE BY PRIVATE ENTITIES

REMOVES RMA ABILITY TO PERFORM ANY FUNCTION AT REQUEST OF COMMISSION

\* REMOVES ABILITY OF RMA BOARD TO MEET BY TELEPHONE CONFERENCE

ALLOWS COMMISSION TO OVERRIDE RMA SPEED ZONES

ALLOWS COMMISSION TO DIRECT AND PAY FOR INDEPENDENT AUDIT OF ANY RMA ACTIVITIES

REMOVES VARIOUS NON-ESSENTIAL PROVISIONS

\* REMOVES LIBERAL CONSTRUCTION AND INTENT

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ARTICLE 3 - ADVANCED ACQUISITION OF PROPERTY

LIMITS TO THE PURCHASE OF OPTIONS

REMOVES GLO MANAGEMENT OF PROPERTY

ARTICLE 4 - RAIL FACILITIES

\* ADDS \$12.5 MILLION PER YEAR EXPENDITURE CAP, EXCEPT FOR TRANS-TEXAS, ABANDONED RAIL, PRIVATE INVESTMENT, AND FEDERAL RAIL OR TRANSIT FUNDS

REMOVES EDA POWERS

\* REMOVES LIBERAL CONSTRUCTION

REMOVES LEGISLATIVE FINDINGS

/ REMOVES ABILITY OF TXDOT TO ACQUIRE ROLLING STOCK

PROHIBITS THE DEPARTMENT FROM DISCRIMINATING IN DECIDING WHO MAY USE A RAIL FACILITY

ARTICLE 5 - ISSUANCE OF BONDS

INCREASES MAXIMUM TO \$10 BILLION

ADDS TO LIST OF ALLOWABLE USES OF BOND - TRUNK SYSTEM AND INTERIM FINANCING FOR TURNPIKES

ARTICLE 6 - PASS-THROUGH TOLLS

LIMITS CONCEPT TO OTHER ENTITY BUILDING HIGHWAY AND TXDOT REIMBURSES WITH PASS-THROUGH TOLLS; DOES NOT ALLOW THE REVERSE SITUATION

ARTICLE 7 - TOLL CONVERSION

\* SAME AS RMA PROVISION, LIMITS CONVERSION OF NON-TOLLED STATE HIGHWAY TO TOLLED HIGHWAY TO EXPANDING OR EXTENDING THAT HIGHWAY, AND COUNTY MUST APPROVE - APPLIES TO TTA, NTTA, AND HARRIS COUNTY TOLL ROAD AUTHORITY

ARTICLES 8, 9, AND 10 - SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION OF CERTAIN OFFENSES: DRIVER'S LICENSE; COMMERCIAL DRIVER'S LICENSE



**MINOR NON-SUBSTANTIVE REVISIONS**

**NEW ARTICLE 11 - MOTOR VEHICLE SALES TAX**

**BASES MOTOR VEHICLE SALES TAX ON PRESUMPTIVE VALUES OF VEHICLES AND GRADUALLY ALLOCATES COUNTY ADMINISTRATIVE EXPENSES OF COLLECTING TAX TO TAX REVENUES INSTEAD OF REGISTRATION FEES**

**ARTICLE 12 - MISCELLANEOUS**

**ENGROSSED BILL REMOVED 30% CAP ON TOLL EQUITY (WHICH AMOUNTS TO ABOUT \$600 MILLION); SUBSTITUTE CAPS TOLL EQUITY AT \$800 MILLION PER YEAR**

**AUTHORIZES TXDOT TO SELL PORTION OF BULL CREEK PROPERTY AND PURCHASE AIRCRAFT POOLING BOARD PROPERTY, AND REQUIRES BUILD AND PROCUREMENT COMMISSION TO SELL CERTAIN STATE OWNED LAND AT MUELLER AIRPORT**

**REQUIRES PERFORMANCE MEASURES AS A COMPONENT OF THE STATEWIDE TRANSPORTATION PLAN**

**ITEMS REMOVED FROM BILL (WITH FORMER ARTICLE NUMBER)**

**DPS FEES TO MOBILITY FUND - 7  
TEXAS TURNPIKE AUTHORITY CLAIMS - 10  
TRANSFER OF TXDOT PROPERTY - 11  
RAILROAD COMMISSION RAIL POWERS TRANSFER TO TXDOT - 13  
BORDER TRADE CORRIDOR PLAN - 14  
COORDINATION OF PUBLIC TRANSPORTATION - 15  
RAIL LINES - 16  
DRIVER'S LICENSE - 17  
TRANSPORTATION COMMISSION MEMBERSHIP - 18  
BORDER RAIL AUTHORITY - 19  
HIGHWAY BEAUTIFICATION FEES - 23  
ADDED COURT COSTS - 24  
NEIGHBORHOOD ELECTRIC VEHICLES - 24  
PUBLIC TRANSPORTATION GRANT FORMULA - 24  
BILLBOARD RELOCATION - 24  
SCHOOL CROSSING ZONES - 24  
NEW SCHOOL NOTICE - 24  
PASSING SCHOOL BUS PENALTIES - 24  
DRIVER'S LICENSE ETHNICITY CODES - 24**

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## Article 1 - Trans Texas Corridor

1. Limits pooling or system financing of projects to within two adjacent TxDOT Districts or within an MPO

The Trans-Texas Corridor is a multi-modal network proposed to consist of thousands of miles of tollroads, rail lines, truck only lanes etc.

There will be several financially viable segments that need to support the statewide system; with this language only those pieces of the TTC will be built. System financing for a "statewide network" is critical to the success of the TTC. System/pooling financing is consistent with Florida, Oklahoma, Pennsylvania, Ohio and other states that have a state toll/turnpike program.

2. Places \$25 million per year cap on construction of non-highway facilities such as rail, etc.

Freight and passenger rail must provide a service and a direct link between markets to be competitive and financially viable.

Rail construction cost 1.5 to 2 million dollars per mile

Sector was will build large segments of

With 25 million dollar cap ... only can build 12 to 18 miles per year

Would never be able to complete new freight corridor

Could not relocate Union Pacific from MoPac Blvd ... need to construct 60 to 80 mile new corridor to move Union Pacific and develop commuter rail, HOV lanes and build noise walls

Effectively kills rail (\$200 million change order) in the SH130 corridor

3. Removes liberal construction intent

There will be litigation regarding Trans Texas Corridor and all of HB3588. Providing the ability for future costs (state and federal) to utilize "liberal construction and intent" could raise(?) some potential litigation and ultimately save Texas millions of dollars.

Most of TTC will be debt financed. Liberal construction and intent language in enabling legislation provides "comfort" for the investment community and private sector who will build large segments of TTC.

## Article 4 Rail Facilities

1. Adds 12.5 million dollars per year expenditure cap (except? for TTC)

Once again rail improvements ... new lines, spurs, grade-separations, relocations etc. are very expensive. Simple projects like the spur for Toyota costs over 15 million dollars.

If rail is critical to state economy and future economic development, ie new "fast-track" BNSF corridor between port of Houston and DFW airport, this funding cap precludes meaningful improvements when rail projects/improvements cost in the 100's of millions

2. Remove liberal construction

Same as above (Article 1 – 3 )

## Article 7 – Toll Conversion

1. Same as RMA provision, limits conversion of non-tolled state highways and tolled highways to expand or extending that highway and county must approve – applies to TTA, NTTA & Harris County

Removes important financing tool – tolling on existing highway – from TxDOT/TTA; NTTA, Harris County and the RMA's. If local governments want to toll an existing road they should have the ability. Even federal law allows (through demonstration projects) conversion free roads to toll roads.

This language gives a county veto power ... if Harris County, NTTA< RMA's or TTA want to toll new capacity (expansion) or a conversion. This effectively precludes multi-county projects where one county could say no. It allows a county to extract other concessions in exchange for its support. County Commissioner's Courts are very political and have elections every 2 years, electing 2-3 members each election. Toll projects take 4 to 7 years to develop, finance, construct and open. Commissioner's Courts could change and change their support in the middle of a project – effectively eliminating the financing of any proposed expansion or extension.

## Article 2 Regional Mobility Authorities

1. Removes the ability to construct , maintain, operate rail etc.

RMA's must be allowed to build rail either within their region or as part of Trans Texas Corridor. RMA's cross county lines and are much better positioned than METRO's (DART, CAP METRO, etc.) to provide

regional rail service. Without rail ability the CTRMA could not build commuter rail from Gerogetown to Bergstrom airport or commuter rail from Leander/Cedar Park to Austin/Buda. Also, CTRMA, without rail authority could not help facilitate relocating the Union Pacific from Loop One.

2. Removes EDA powers/ Design Build Powers

EDA and Design build allow an RMA an alternative delivery method for toll projects. EDA/design build allows projects to be built faster, cheaper and with private sector involvement.

Without EDA/design build to CTRMA can not do SH45 SE with Zachry; can not do a design build /guarantee-max contract for US183A (delaying the US183A project 12 to 18 months) and forces all projects to be done in the traditional "TxDOT" format.

3. Limits conversion of non-tolled TxDOT highway to RMA turnpike to improvement or extension of the aconverted highway and conversion must be approved by the county.

See notes on Article 7

4. Removes ability for RMA to work outside its geographic area

There are many times where a regional road or connecting road would go outside the "county lines" of an RMA boundary. Examples include a border project going into Mexico or the CTRMA project - proposed upgrading of SH71 east from Bergstrom to SH130 and to Bastrop – which benefits the CTRMA, the SH130 tollroad and the regional transportation system.

RMA's need the ability, by agreement, to build into or through an adjacent county and have no delays in construction or completing a revenue bond based project. (See UBS Memo)

Without "quick take" the RMA would need to acquire the entire ROW before going to market for revenue bonds. This adds significant time and dollars to the process, unlike TTA that went to the market for SH130/SH45/Loop 1 without any ROW and only financial commitments to acquire.

Quicktake will allow the RMA to finance ROW if project revenues will support it. Without quicktake the RMA must rely on other sources (local government or revenues from other projects) to fund ROW acquisition prior to bond sale

Bottom line ... more dollars/ higher costs for local governments and delay in completing projects.

5. Removes ability for RMA board to meet by telephone conference.

Toll roads are revenue bond financed – interest accrues daily. The ability to address change orders, initiate condemnation, address environmental/political issues need to be done as needed and required – not once a month at a monthly Board meeting. Delays on critical decisions costs money and delay project completion. Telephone board meetings are necessary to assure the investment community that there will no be unnecessary delays

Every major corporation (and RMA's are a business) and every state agency can conduct business via telephone conference including the UT and A&M Boards of Regents

Bottom line ... time is money - delay is money and RMA's not \_\_\_\_? telephone board meeting ability will impact projects financing and project costs/ delays

6. Removes liberal construction intent

See Article 3

The end of the RMA discussion is simple – without these 7 items, the CTRMA projects will be delayed and cost more money. Also, because toll projects are so sensitive to costs and financial viability, without these powers there are many projects that the CTRMA just will not be able to do because the extra costs/delays, etc., will take marginal projects and make them financially unfeasible.

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**AGENDA ITEM 2**

Read and approve the minutes of the last meeting.

Moved: **Judge Doerfler**

Seconded: **Commissioner Hays**

Motion: To approve the minutes of the May 20, 2003 meeting.

Vote: **5 - 0**

**AGENDA ITEM 3**

Hear County Auditor concerning invoices and bills submitted for payment and take appropriate action including, but not limited to approval for payment provided said items are found by the County Auditor to be legal obligations of the county.

Moved: **Commissioner Limmer**

Seconded: **Judge Doerfler**

Motion: To authorize the payment of bills totaling **\$3,983,016.30** in computer printout from the proper line items, if found by the County Auditor to be legal expenses as appropriated in the 2002/2003 County Budget.

Vote: **5 - 0**

< Attachment >