COURT ORDER NO. 2010-210-03-22

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS COURT
MEETING MINUTES
FEBRUARY 22, 2010

On Monday, February 22, 2010, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas with the following members present, and participating, to wit:

Present:
Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Jerry Hoagland
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Kathy Ward

Judge Self led the Invocation.
Commissioner Shaheen led the Pledge of Allegiance.
Commissioner Hoagland led the Pledge to the Texas Flag.

1. Judge Self called to order the meeting of the **Collin County Commissioners Court** at 9:32 a.m.

President Self called to order the meeting of the **Collin County Health Care Foundation Board of Trustees** at 9:32 a.m. and adjourned the meeting at 9:32 a.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 9:32 a.m. and adjourned the meeting at 9:32 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-31509** Personnel Changes, Human Resources.

FYI NOTIFICATION

1. Addenda:

a. **AI-31494** No. 2 to Software & Implementation Services for ERP Financial Software (RFP No. 01134-10) to make various changes to the Request for Proposal and extend the Request for Proposal due date, Purchasing.

b. **AI-31464** No. 3 to Services: Electronic Fire Alarm & Fire Sprinkler Systems Maintenance & Repair to extend the bid invitation date, Purchasing.

2. **AI-31454** Engagement Letter from Pattillo, Brown & Hill for the Juvenile Probation department audit, Auditor.

2. Public Comments. Judge Self asked if there were any comments from the public. There were none. (Time: 9:32 a.m.)

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Shaheen requested item 4g2 be pulled for discussion. Motion to approved remainder of consent agenda. (Time: 9:32 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen

Vote: 5-0 Passed

a. **AI-31498** Disbursements for the period ending February 16, 2010, Auditor.
COURT ORDER NO. 2010-154-02-22

b. **AI-31468** Tax Refunds totaling $875,684.38, Tax Assessor Collector.
COURT ORDER NO. 2010-155-02-22

c. Award**(s):**

1. **AI-31456** Services: Cisco Voice Upgrade (RFP No. 09751-09), Information Technology.
COURT ORDER NO. 2010-156-02-22

2. **AI-31475** Maintenance, Road: Microsurfacing (IFB No. 12124-10) to Ballou Construction Co. Inc., Public Works.

COURT ORDER NO. 2010-157-02-22

d. Agreement(s):

1. **AI-31482** Interlocal Agreement with the City of Lowry Crossing for Environmental Services beginning March 1, 2010 through and including September 30, 2010 and further authorize the County Judge to finalize and execute same, Development Services.

COURT ORDER NO. 2010-158-02-22

2. **AI-31479** Interlocal Agreement with the City of Plano for Major Thoroughfare Rehabilitation Improvements on Plano Parkway, Preston Meadow Drive, Legacy Drive, Jupiter Road, Parker Road, Los Rios Blvd, Ohio Drive and Premier Drive (2007 Bond Project No. 07-057) (2009 Participation NTE $1,360,000) and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2010-159-02-22

3. **AI-31481** Interlocal Agreement with the City of Plano for the widening of Chaparral Road from K Avenue to East of Cloverhaven Way (2003 Bond Project No. 03-056) (County's portion NTE $950,000) and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2010-160-02-22

4. **AI-31485** Interlocal Agreement with the City of Plano for the widening of McDermott Road from Coit Road to Ohio Drive (2003 Bond Project No. 03-055 and 2007 Bond Project No. 07-074) (County's participation NTE $800,000) and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2010-161-02-22

5. **AI-31486** Interlocal Agreement with the City of Plano for the reconstruction of 14th Street from K Avenue to Ridgewood Drive (2007 Bond Project No. 07-061) and further authorize the County Judge to finalize and execute same; reallocate funds from the US 75 Ramp Improvements project (2003 Bond Project No. 03-045) and budget amendment in the amount of $1,550,000 for same (County's participation NTE $1,550,000), Engineering.

COURT ORDER NO. 2010-162-02-22

e. Amendment(s):

1. **AI-31476** No. 3 to the CUC (Conference of Urban Counties) Tech Share Agreement and Tyler Maintenance and Support Services Agreement and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2010-163-02-22

f. Filing of the Minute(s), County Clerk:

1. AI-31472 February 1, 2010.

COURT ORDER NO. 2010-164-02-22

g. Miscellaneous

1. AI-31471 Acceptance of the Solid Waste Implementation Grant Project funds in the amount of $22,027, approval of the Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) and further authorize the County Judge to finalize and execute same, Administrative Services.

COURT ORDER NO. 2010-165-02-22

2. AI-31474 Replat of The Hills of Lone Star, Phase 2A - Bear Creek, lots 3, 4 and 5 into lots 3R and 5R, Engineering.

Commissioner Shaheen commented that the backup for this item stated that a public hearing was not necessary. Commissioner Shaheen then asked if the public or property owners were notified. Tracy Homfeld, Engineering, addressed the question saying there are two lots being formed into one. There is no effect of property rights; therefore no need to inform any of the neighbors. (Time: 9:33 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-166-02-22

3. AI-31469 Utilization of the parking lots at the Jack Hatchell Administration Building March 2, 2010 8:30 a.m. - 3:00 p.m., Public Works Services Center March 2, 2010 7:00 a.m. - 10:00 a.m., Collin County Justice Center March 2, 2010 12:00 p.m. - 3:00 p.m. and the University Drive Court Facility March 2, 2010 9:00 a.m. - 3:00 p.m. for the Carter BloodCare Blood Bank Mobile unit to conduct a blood drive, Facilities.

COURT ORDER NO. 2010-167-02-22

4. AI-31457 Purchase equipment for the Cisco Voice Upgrade from Digital Intelligence Systems Corp utilizing the State of Texas DIR contract (DIR_SDD_241) and budget amendment in the amount of $436,000 for same, Information Technology.

COURT ORDER NO. 2010-168-02-22

5. AI-31465 Deposit the net proceeds totaling $63,012.22 from the Collin County On-Line Auction held on December 8, 2009 per Local Government Code 263.156, Purchasing. **COURT ORDER NO. 2010-169-02-22**

GENERAL DISCUSSION

5. AI-31379 System Finance, NTTA.

Judge Self prefaced the item saying Collin County is one of four counties that form the NTTA (North Texas Toll Authority) and Paul Wageman, Chairman of the Board, was an appointee of Collin County. Judge Self said he requested the presence of the NTTA for an update to the Court.

Paul Wageman, Chairman of the Board, NTTA, addressed the Court with a presentation regarding the system finance of the State Highway 161 and said that the NTTA would make a decision this week on whether to accept the project. Mr. Wageman began by saying the NTTA Board was a regional collaboration which consisted of Collin, Dallas, Denton and Tarrant Counties as well as an appointee from Governor Rick Perry who was from Parker County. The presentation included a background of the State Highway 161 Project which is a continuation of the George Bush Turnpike as the Outer loop in Dallas County. Phase 2 & 3 are under construction by TxDOT and Phase 4 is anticipated to begin March 1, 2010.

Mr. Wageman informed the Court that the NTTA received one of only two Tiger Grants given in the State. This grant will be used to pay the credit charge on a TIFIA (Transportation Infrastructure Finance and Innovation Act) loan which is a federal loan program administered through the Federal Highway Administration. The first five years of the loan there is no interest, afterwards there is a below market interest rate. They anticipate being able get a loan for up to $400 million from TIFIA for State Highway 161. Mr. Wageman presented the Court with a calendar of meetings. If accepted State Highway 161 will be Phase 4 with an anticipated completion in late 2012. Commissioner Jaynes asked about the thought process behind marrying the two projects. Mr. Wageman responded saying the project has been on the regional plan for over 40 years. This is an important road in Tarrant County. The Board did not want to see all the resources spent on State Highway 161 without also getting Southwest Parkway/Chisholm Trail built. People are tired of waiting 30 and 40 years for roads to be built. TxDOT has been deprived of funding by legislators; therefore, they cannot build the roads.

Judge Self commented saying the roads being built do not appear to be able to offer a payback in the near future. Judge Self continued by asking if the NTTA is being put at risk because people want roads built that cannot be funded and do not make sense financially. Mr. Wageman responded saying other than the initial $400 million there is

not a risk to the system. Extensive discussion continued throughout the presentation. Commissioner Hoagland questioned if funds would be coming back to the region.

Mr. Wageman said $258 million of the $458 million would be going back to the RTC (Regional Transportation Commission) because they advanced those funds to TxDOT for Phases 2 & 3 of State Highway 161. Commissioner Jaynes asked if the NTTA would exhaust the four scenarios before the backstop funds were used. Mr. Wageman stated they would consider placing tolls on State Highway 161 and Southwest Parkway before they would dip into the guarantee funds. Additional discussion followed. Commissioner Jaynes stated he thought accepting this project would set a bad precedent.

The last slide of the presentation referenced the DNT (Dallas North Tollway) Project, Phases 4B and 5. Judge Self said he thinks this to be a major issue for Collin County and has mailed letters to every Mayor and President of the EDCs (Economic Development Corporation) asking them to participate in the Public Hearing in Collin County.

Commissioner Shaheen asked if there was any need for a representative from Johnson County. Mr. Wageman said yes there would be in the future. Commissioner Shaheen also said he would like to see the report for 2009. Mr. Wageman said the report will be out March 1, 2010. Additional discussion on future revenues and debts followed. Commissioner Jaynes asked when the Board would be looking at increasing tolls. Mr. Wageman said the Board has a policy which resets the tolls every two years. The rate is 14.5 cents per mile as set by the RTC and is increased by 1.5 percent. Judge Self thanked Mr. Wageman for his update and stated that he welcomed other Counties that would start paying tolls because the majority of the toll roads are located in Collin County. (Time: 10:46 a.m.)

NO ACTION TAKEN

Judge Self recessed the meeting at 10:46 a.m. and reconvened at 10:51 a.m.

6. AI-31506 County Economic Development Policy and Collin County Regional Airport, City of McKinney.

Frank Ragan, City Manager, City of McKinney, read a letter from McKinney Mayor Brian Loughmiller regarding expansion of the Collin County Regional Airport. The letter stated that the City is currently in the process of building a new runway and tower, which is being funded 100% through FAA apportionments and contributions from the City of McKinney and the McKinney Economic Development Corporation. No County funds have been requested for the airport expansion. Mayor Loughmiller requested that the $300,000 the County receives in Ad valorem tax revenue from property located at the Collin County Regional Airport be re-invested back into the City's economic development efforts.

Mayor Loughmiller specifically requested approval from the Court for the County's ongoing participation in the funding of design, engineering and construction of Phase 1 of the State Road 546 Project.

After the letter from Mayor Loughmiller was read, Judge Self gave comments saying he asked for this issue to be brought to the Court for their comments and any action regarding the project. Commissioner Shaheen said the airport is very important to the County and our region and asked for additional information on the project including a timeline for completion. Mr. Ragan said the City has route determination, but not a full engineering design because it does not have the funds to start the project. Mr. Ragan said the intent of the City was to have the road run completely around the airport and connect back to Highway 380. Without doing this, there is no access to the west and east sides of the airport. The east side of the airport is the future, but unless they get the road built, they are basically land locked. There is currently no timeline for Phase 2 because funding has not yet been identified.

Judge Self asked Bill Bilyeu to approach with information on the tiers of the tax abatement since that is what the airport entails. Bill Bilyeu, Administrative Director, responded saying the jets themselves are considered business/personal and personal property cannot be included in the TIRZ (Tax Increment Reinvestment Zone) or the TIF (Tax Increment Financing). The buildings/hangers and improvements could be taxed and the funds rebated back into the TIRZ. Abatements go back to the owner, so if the County abated back to a corporation, they would have to get the corporation to put the money back into the City or the project. Commissioner Jaynes asked Mr. Ragan for a PDF file on the project for a visual on the plan and asked how much the City had investigated a TIF. Mr. Ragan replied the City is in the process of looking into a TIF and will be in receipt of a claiming grant in mid March and it is the City's intent to have a TIF at the minimal for the airport and possibly another one for the Highway 5 Corridor. The City will more than likely implement a TIF district with an overlay by the end of the year. (Time: 09:45 a.m.)

NO ACTION TAKEN

7. AI-31528 Update regarding the Environmental Enforcement Program by the Public Works Director and the Deputy, County Judge.

Jon Kleinheksel, Public Works, approached to give the Court an update on the Environmental Enforcement Program. Major Chuck Ruckle, Sheriff's Office, also approached with additional information. Mr. Kleinheksel presented a power point presentation which outlined a new strategy to confront and prevent illegal dumping in Collin County. Deputy Lee Howe was chosen to spearhead the County's new effort. Deputy Howe will be provided with the latest equipment and gear to combat this growing problem.

One of the tools being researched is an infrared motion activated camera that can be used to catch the offenders in the act. This would be purchased with grant funds. Deputy Howe and Public Works staff will attend extensive training and use that training for community education. McLennon County Environmental Crimes Investigator James Peck will host a summit to share his knowledge, information and prevention ideas with the staff of the Sheriff's Office and Public Works.

Mr. Kleinheksel stated Public Works has implemented an incident report form that all staff of Public Works carries with them in their vehicles. When an area of illegal dumping is seen a report is completed and submitted to Deputy Howe for investigation.

Mr. Kleinheksel continued by saying one of the largest components of the strategy is community education which includes public service announcements on radio and TV, billboards, pamphlets and crime prevention presentations. Major Ruckle is meeting with the Justice of the Peace Judges and Law Enforcement Officials to promote awareness and cooperation in addressing the issue.

Mr. Kleinheksel also showed a slide of statistics which included the number of cases initiated, cases filed with the District Attorney and Justice of the Peace Court, sites referred for clean up and the amount of debris cleaned. Commissioner Jaynes asked how many convictions have been received. Major Ruckle said to date none, but this new program has just started. Deputy Howe has only been on this initiative for three months. Major Ruckle continued saying the first case that went before the Justice of the Peace was dismissed. Commissioner Hoagland asked for the bases of the dismissal. Major Ruckle said they could not prove the person arrested was actually the perpetrator. Commissioner Jaynes commented that there were a couple of big cases that were being prosecuted. Mr. Kleinheksel confirmed this and said the County is making progress, but there is still a lot of work to be done.

Commissioner Jaynes asked if the Court could see a quarterly report. Mr. Kleinheksel replied he is actually working on a weekly report for the Court. Mr. Kleinheksel said there is not a conviction category yet, but as that information is available the category will be added. Major Ruckle added that the penalties for these crimes are too light, usually a very small fine; therefore, there really isn't a deterrent in stopping people from dumping illegally. The County is trying to have the fines increased up to the highest allowed by law if possible, which is $500. Discussion with the Court regarding setting a scale for fines with varying degrees of offenses. Major Ruckle said one of the most important tools in this fight is education.

Commissioner Hoagland asked for the JP Court in which these cases are heard and which county the offenders are from to be added to the weekly report to the Court.

Commissioner Shaheen asked Mr. Bilyeu if the Court could set fees or fines for these offenses. Bill Bilyeu, Administrative Director, responded saying it is all by State statute. It is a misdemeanor and the JP Judges determine across the board what the fines should be. Judge Self thanked both Mr. Kleinheksel and Major Ruckle for their effort in addressing this very big issue. Judge Self then suggested the County take something to legislators in the upcoming legislative session, such as an enforcement bill that would give the County greater enforcement powers to try to deter the illegal dumping.
(Time: 10:06 a.m.)

NO ACTION TAKEN

8. **AI-31508** Emergency building closures, Commissioner, Precinct 4.

Commissioner Ward stated she wants a method of closing during inclement weather and said she has someone checking with other counties to see how they manage emergency closures. One of the concerns Commissioner Ward referenced was the burden an emergency closure can place on a parent when a school is closed but not the parent's workplace. Commissioner Ward said she will present a proposal for emergency closures of County buildings to the Court when more information has been gathered.
(Time: 10:53 a.m.)

NO ACTIONTAKEN

9. **AI-31491** FY2010 Budget for the Farm Museum, Commissioner, Precinct 4.

Judy Florence, Myers Park, addressed the Court regarding contingency funds for the Farm Museum. Two gentlemen who volunteer are using their own funds to make repairs and buy parts to keep the equipment running. Commissioner Ward asked Ms. Florence to tell the Court how many hours the volunteers had worked and what the savings was to the County. Ms. Florence replied saying the volunteers had worked 740 hours each, which equates to $28,952 that the County saved in salaries. Ms. Florence requested $400 per month for the remainder of FY 2010 to pay for repairs and replacement parts for the museum's tractors, thrashers and other antiquated equipment. The total amount requested is $3,200. An additional request for $7,500 was made by Ms. Florence to pay for several items which are owned by the North Texas History Center and currently housed at the Farm Museum. These items include museum storage cabinets, a shop vacuum, filing cabinets, storage lockers and other various items. The original asking price was $26,582; however, when the County offered $7,500 for the items, the History Center accepted. Commissioner Shaheen asked for a strategy plan before a decision was made on the funds. Commissioner Ward stated that an overview presentation should be ready to present to the Court on March 22, 2010; however, there are more urgent needs that should be taken care of without delay.
Commissioner Shaheen asked if the Court could see the presentation first, then make a decision.

Ms. Florence replied saying the North Texas History Center probably would not wait; they would go ahead and auction the items.

Claude Frazier, North Texas History Center Board, approached to say they have been working on a plan and would present it when they had something solid. Mr. Frazier continued saying what they needed to do today was to get funding for the repairs of the equipment.
The volunteers have been using their own money for two years and the County is in danger of losing them because they have to keep taking money out of their own pockets.

Mr. Frazier continued saying as for the equipment being offered for sale by the History Center, if the County does not move now, the items will immediately be auctioned and will be lost. Judge Self said the thought the Court should approve the request. Commissioner Hoagland agreed and made a motion to approve the budget.

Judge Self added that he looked forward to seeing the entire presentation because it is vital to have a plan in place in order to move ahead with the plans for Myers Park.
(Time: 11:02 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-170-02-22

10. AI-31510 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Jacobson informed the Court all appointments follow standard procedures. Motion to approve personnel appointments. (Time: 11:03 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-171-02-22

11. **AI-31511** Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding changes to current employees. Ms. Jacobson informed the Court that one change was pulled until the next Court. All other changes follow standard procedures. Motion to approve personnel changes. (Time: 11:04 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-172-02-22

12. **AI-31512** Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

13. Possible future agenda items by Commissioners Court without discussion.

EXECUTIVE SESSION

There being no reason to recess into Executive Session and there being no further business of the Court, Judge Self adjourned the meeting at 11:03 a.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4

COMMISSIONERS COURT COLLIN COUNTY TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS