**COURT ORDER NO. 2010- 717 -09-13**

**STATE OF TEXAS**

**COMMISSIONERS COURT MEETING MINUTES**

**COUNTY OF COLLIN**

**AUGUST 16, 2010**

On Monday, August 16, 2010, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners Courtroom, Jack Hatchell Collin County 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

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

**1.** Judge Self called to order the meeting of the **Collin County Commissioners Court** at 9:30 a.m. and recessed into the meeting of the **Collin County Health Care Foundation Board of Trustees.**

President Self adjourned the meeting of the **Collin County Health Care Foundation Board of Trustees** at 9:30 a.m. and convened the meeting of the **Collin County Toll Road Authority Board of Directors.**

President Self adjourned the meeting of the **Collin County Toll Road Authority Board of Directors** at 9:31 a.m. and reconvened the meeting of the **Collin County Commissioners Court**

**DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:**

**1. AI-32315** Return Mrs. Emily Johnson-Liu's position to a part-time position and discontinue the use of Service Fee money to supplement the salary and benefits package, District Attorney.

**FYI NOTIFICATION**

**1. AI-32375** Temporary repairs to a portion of CR 206 to mitigate safety concerns prior to a ruling from the Department of Justice regarding a request from the City of Weston to disannex CR 206, Public Works.

**2.** Public Comments. There were no public comment cards presented to the Court.

**3.** Presentation/Recognition.

**4. Consent agenda to approve:** Judge Self asked if any member of the Court or any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Commissioner Shaheen pulled item 4i1 for discussion and Commissioner Hoagland made a motion to approve the balance of the consent agenda. (Time: 9:32 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward
Vote: 5 - 0 Passed

**a.** **AI-32350** Disbursements for the period ending August 10, 2010, Auditor.

**COURT ORDER NO. 2010-582-08-16**

**b. Advertisement(s):**

**1.** **AI-32320** Fencing: Labor and Materials All Inclusive (IFB No. 07306-10), Public Works.

**COURT ORDER NO. 2010-583-08-16**

**c. Award(s):**

**1.** **AI-32321** Equipment: Hydraulic Gooseneck Trailer (IFB No. 07708-09) to Trail-EZE, Public Works.

**COURT ORDER NO. 2010-584-08-16**

**d. Agreement(s):**

**1.** **AI-32358** Amended Interlocal Agreement with the City of Plano for the construction of Plano Parkway from East of Los Rios to 14th Street (2003 Bond Project No. 03-048) County's participation NTE $1,666,104.05, budget amendment in the amount of $266,105 and further authorize the County Judge to finalize and execute same, Engineering.

**COURT ORDER NO. 2010-585-08-16**

**2.** **AI-32356** Interlocal Agreement with the City of McKinney for the design and construction of Lake Forest Dr. from US 380 to Wilmeth Rd. (2007 Bond Project No. 07-046) County's Participation NTE $2,900,000 and further authorize the County Judge to finalize and execute same, Engineering.

**COURT ORDER NO. 2010-586-08-16**

**3. AI-32334** Interlocal Agreement with the City of Josephine for the reconstruction of Sebastian Road and the repayment of construction costs in the amount of $28,030 over a five (5) year period and further authorize the County Judge to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-587-08-16**

**4. AI-32333** Personal Services Agreement with Andrew Don Smith, Sr. for autopsy assistant services at the Collin County Medical Examiner's office through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

**COURT ORDER NO. 2010-588-08-16**

**e. Amendment(s):**

**1. AI-32309** No. 3 to Travel Management Services, Fleet Fuel Card (IFB No. 07117-07) with Wright Express Financial Services Corp. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-589-08-16**

**f. Change Order(s):**

**1. AI-32326** No. 1 to Maintenance: Elevators/Escalators (IFB No. 02360-09) with Texas Independent Elevator Company to delete Section 4.13.2 - Performance Bond (in its entirety), extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

**COURT ORDER NO. 2010-590-08-16**

**2. AI-32332** No. 1 to Services, Mowing (IFB No. 07723-09) with AMA Construction Services, LLC to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

**COURT ORDER NO. 2010-591-08-16**

**3. AI-32312** No. 1 to Maintenance, Road: Microsurfacing (IFB No. 12124-09) with Ballou Construction to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-592-08-16**

**4. AI-32316** No. 1 to Road Materials, Cement Treated Base (IFB No. 05602-09) with TXI Operations, L.P. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute Same, Public Works.

**COURT ORDER NO. 2010-593-08-16**

**5. AI-32319** No. 1 to Vehicle Marking (IFB No. 07719-09) with Cooper's Copies & Printing to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-594-08-16**

**6. AI-32325** No. 2 to Maintenance: Elevators (IFB No. 02360-09) with Schindler Elevator Corp to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

**COURT ORDER NO. 2010-595-08-16**

**7. AI-32292** No. 2 to Testing, Postmortem Toxicology (IFB No. 05549-08) with National Medical Services to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

**COURT ORDER NO. 2010-596-08-16**

**8. AI-32322** No. 2 to Equipment, Lease: Road Construction and Right-of-Way Maintenance Equipment (IFB No. 08599-08) with ESS Corporation to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-597-08-16**

**9. AI-32323** No. 2 to Equipment, Lease: Road Construction and Right-of-Way Maintenance Equipment (IFB No. 08599-08) with Holt Cat to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-598-08-16**

**10. AI-32318** No. 2 to Striping, Roads and Parking Lots (IFB No. 10150-09) with Striping Systems, Inc. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-599-08-16**

**11. AI-32310** No. 2 to Supplies, Lubricants, Oils and Misc. Items (IFB No. 05547-08) with Dial Lubricants, Inc. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

**COURT ORDER NO. 2010-600-08-16**

**12. AI-32331** No. 3 to Concrete Work: Various Locations (IFB No. 07115-07) with GT Construction, Inc. to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

**COURT ORDER NO. 2010-601-08-16**

**13. AI-32327** No. 3 to Services: Janitorial (IFB No. 01390-08) with James Enterprises to extend the contract for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

**COURT ORDER NO. 2010-602-08-16**

**g. Ratification of the County Judge's prior approval:**

**1. AI-32414** Advertise for Road Materials, Flexible Base (IFB No. 08355-10), Public Works.

**COURT ORDER NO. 2010-603-08-16**

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

**1. AI-32340** July 26, 2010.

**COURT ORDER NO. 2010-604-08-16**

**i. Miscellaneous**

**1. AI-32300** Early voting locations, dates and times for the November 2, 2010 General and Special Elections, Elections.

Commissioner Shaheen stated Sharon Rowe, Elections Administrator, was still working on voting center locations for the City of Frisco and he would like this item held until the next Commissioners Court to give her more time. Ms. Rowe agreed. Commissioner Jaynes said he still has the same concern, namely the City of McKinney only has two places for early voting. He would like to visit with the City to find more central locations in west McKinney. Judge Self said the John and Judy Gay Library would be a perfect location. (Time: 9:34 a.m.)

**HELD**

**2. AI-32353** Two year appointment of Judges and Alternate Judges pursuant to § 32.002 of the Texas Election Code; appointment information provided by the Republican Party Chair, Elections.

**COURT ORDER NO. 2010-605-08-16**

**3. AI-32355** 2011 Holiday Schedule, Human Resources.

**COURT ORDER NO. 2010-606-08-16**

**4. AI-32335** Sale of a surplus 2002 Ford Crown Victoria (Inventory No. 36950) in the amount of $1,700 to the Community Supervision and Corrections Department per VTCA LGC 263.152, Public Works.

**COURT ORDER NO. 2010-607-08-16**

**5. AI-32308** Termination of the Interlocal Cooperation Agreement (AGR No. 07712-09) with the City of Plano for Yard Trimmings Grinding Services, Public Works.

**COURT ORDER NO. 2010-608-08-16**

**GENERAL DISCUSSION**

**5. AI-32228 Public Hearing** – Replat of Lot 14 of the Sunset Place Subdivision, Engineering.

Tracy Homfeld, Engineering, came forward and stated Linda Pittman, the owner of Lot 14, wants to subdivide Lot 14 into two lots. The replat consists of creating two lots on the ten-acre parcel. Before Commissioners Court can approve the replat, the Engineering Department has to have a public hearing to see if there is anyone for or against. Judge Self asked Ms. Homfeld if the Engineering Department had any objection. Ms. Homfeld replied no. She continued, saying there was one letter against from the owner of Lot 11; however, when called he said he did not send the letter. It was an email and did not contain his signature.

Judge Self opened the public hearing and asked for comments at 9:35 a.m. Hearing none, the public hearing was closed at 9:35 a.m.

Commissioner Hoagland asked for a map. Ms. Homfeld handed a map to Court members. Ms. Homfeld concluded by saying the reason for the replat is Ms. Pittman wants to get a second water meter and the Caddo Basin, not Collin County, requires a replat. Ms. Homfeld said there is room for two sewer systems. Commissioner Hoagland made a motion to approve. (Time: 9:37 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

**COURT ORDER NO. 2010-609-08-16**

**6. AI-32258** Receive statutory presentations on two (2) proposed Tax Increment Reinvestment Zones by the City of McKinney, Texas, including Commissioners' Court discussion of participation in such proposed zones by Collin County, Texas and further waive the 60-day notice for a public hearing, City of McKinney.

McKinney Mayor Brian Loughmiller and Scott Polikov, President, Gateway Planning Group, come forward to make the presentation. Mayor Loughmiller started by saying he appreciates the efforts of the Commissioners as far as

maintaining a balanced budget and keeping expenditures low. Mayor Loughmiller stated he read an article about tax increment financing and what the Commissioners think is appropriate, which is focusing on regional development and public infrastructure and public improvements. He said that is what their two tax increment financing zones will provide. The two areas they will discuss today are the Collin County Regional Airport, which is the only airport in Collin County, and Highway 5, which is the main gateway into and through McKinney. The Mayor stated he believes both of the TIRZ will fit the profile that the County Court is looking to achieve.

He has met with all the mayors of Collin County and has letters from the mayors of Melissa, Anna, and Prosper. The City of McKinney is doing what they can to make sure the different cities understand the regional nature of the airport. They are trying to determine where the best opportunity is for economic development. Mayor Loughmiller said economic development increases revenues which will in turn help the County decrease their tax rate.

Mayor Loughmiller turned the presentation over to Scott Polikov. Mr. Polikov said he was honored to talk about a redevelopment strategy for this corridor. He had a Power Point presentation entitled "McKinney Town Center and Airport Initiative, TIRZ No. 1 and TIRZ No. 2". The presentation represented a body of work directed by a council committee along with the mayor and senior staff.

Mr. Polikov starts by offering an overview of a TIRZ. A TIRZ does not create new taxes. It is authorized in the Texas Tax Code. They are obligated to come before the Court and ask for your support and participation. Mr. Polikov next showed a diagram that showed how TIF (tax increment financing) operates. They were asking the County for 50% participation in terms of county tax revenue because historically this is what the Court has done. Mr. Pollikov showed the proposed TIF zone, which is the town center, the economic heart of the county seat. The presentation included the master plan adopted by the City of McKinney and Mr. Polikov described the master plan. He continued, noting Money Magazine selected McKinney as the fifth best place to live in the country, primarily because of its downtown. As he continued with the proposed project plan, he said the number one project is the reinvention of Highway 5. They have been working with TxDOT and have received money from COG (Council of Governments) for redesign.

Moving on, Mr. Polikov next addressed TIRZ No. 1 Preliminary Finance Plan Projections:

- Base year taxable value (2009) is $218 million. That will drop a little for 2010.
- Applying current tax rates to current projections, by 2040 the taxable value will be $1.2 billion.
- City's property tax revenues (100% cumulative 2040) will be $78.9 million.

- County's property tax revenues (50% cumulative 2040) will be $16.3 million.
- City's sales tax revenues (100% cumulative 2040) will be $43.8 million.
- Total city and county tax revenues (cumulative 2020) will be $139 million.

Commissioner Shaheen asked if those figures were based on the billion dollars of increased value. Mr. Polikov said they are and the assumptions for that are based on medium growth rate of development at current values and they believe there will be significant increases in housing and commercial activity. He continued with the TIRZ No. 1 preliminary finance plan projections and answered questions from Court members. Discussion followed. Mr. Polikov said we're here because we believe this redevelopment will be critical to maintain the core of the county seat. Judge Self asked Mayor Loughmiller how much development is going on now in this TIRZ No. 1 area. Mayor Loughmiller said there are several projects in the downtown area being discussed with developers along the Highway 5 corridor that would come on in the next 12 to 18 months. Looking at the entire Highway 5 corridor, there are a lot of areas that need to be cleaned up. They have grant money that will help with that clean up and help with the redevelopment. Additionally, Mayor Loughmiller stated they have to look at transportation coming out of the airport tying into Highway 5 and Highway 380. The corridor has to be visually appealing as well as functional. Mr. Polikov said details for the airport, which is TIRZ No. 2, are in the mission statement: "develop the premier general aviation reliever airport in the DFW Metroplex with future commercial service goals." Mr. Polikov next read the airport vision: "Collin County Regional Airport is an air transportation center and economic engine for the North Dallas Region, facilitating general aviation, business aviation and related services by an aggressive marketing program and aeronautical service, infrastructure and facility development program."

Mr. Polikov next addressed the slide entitled "TIRZ No. 2 Proposed Project Plan". They are proposing a north/south road along the east side of the airport connecting to Highway 380 and an extension of a realigned FM 546 from Highway 5 to a north/south perimeter road. Continuing, Mr. Polikov stated corporate America is looking for really good places to locate and the City of McKinney can position itself into being a player nationally. Mayor Loughmiller added the City of McKinney is investing significant dollars into the Collin County Regional Airport. They have sent letters to companies that house their planes at Love Field and have received favorable response. Both men answered questions from Commissioner Hoagland. Mr. Polikov said the aviation director at the airport has been working closely with the FAA and they are eligible to receive federal dollars.

Mr. Polikov moved on to TIRZ No 2 Preliminary Finance Plan Projections:

- Base year taxable value (2009) is $114 million.
- 2040 taxable value is $505 million.
- City's property tax revenues (1005 cumulative 2040) is $29.1 million.

- County's property tax revenues (50% cumulative 2040) is $6 million.
- City's sales tax revenues (50% cumulative 2040) is $5.6 million.
- Total city and county tax revenues (cumulative 2040) is $40.7 million.

Commissioner Jaynes asked if the revenue the County would put in would go towards infrastructure. Mr. Polikov replied yes, primarily roadway infrastructure. Commissioner Jaynes asked to receive a list of projects and Mr. Polikov said he would supply that. Currently projects are listed on the city's website. Judge Self asked if they could assume the value of the airplanes. Mr. Polikov said they can't tax the value of the airplanes under state law.

Kenneth Wiegand, Executive Director of the Collin County Regional Airport, came forward to answer this question. He said they do collect business personal property tax on the aircraft which is calculated on the number of operations the aircraft performs. Mr. Polikov said under the law they can't capture it for TIRZ. Discussion followed. Mr. Polikov offered a timeline for hearings and adoption of TIRZ ordinances: August, they complete outreach; September, McKinney public hearing and adoption of TIRZ ordinances; and October, they will request participation and a formal agreement with the County. A discussion followed on the reason for the TIRZ districts being split in two. Mr. Polikov said from a governance standpoint it was important long term as the increments begin to grow that you had the ability for each area to be more focused in keeping the investment strategic and to fulfill the planning goals of these two areas. They have overlapping interests but unique interests also. There will be collaboration over time between the two TIRZ boards. Mayor Loughmiller added, when we're talking about these, the reality is the airport development has different consultants.

Commissioner Jaynes asked for the ultimate plans for Highway 5. Mr. Polikov had a slide showing east across from the town center where it is more of a walkable mixed use destination. He continued his explanation, saying they anticipate working with TxDOT. Mayor Loughmiller said from the standpoint of the policies of the City of McKinney they try to maintain a conservative policy concerning bond elections, and they will not issue debt unless they are retiring debt before they go forward with other projects. They target 2010 as the year they need to establish these two zones. Commissioner Shaheen said he was excited about the airport and appreciates all they have done. He added, when you look at the first TIRZ, he thinks taking tax dollars and applying them to Highway 5 makes sense. He cautioned about the redevelopment of buildings; he wasn't sure if they should be involved in that. Mayor Loughmiller concluded by saying the city's hope is that a transportation infrastructure will bring in development. (Time: 10:15 a.m.)

**NO ACTION TAKEN**

**7. AI-32404** Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, stated there was one personnel appointment and it was at the beginning of the pay range. Commissioner Ward made a motion to approve. (Time: 10:15 a.m.)

Motion by: Commissioner Kathy Ward
Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

**COURT ORDER NO. 2010-610-08-16**

**8. AI-32378** Board/Committee Appointments, Commissioners Court.

Commissioner Hoagland made a motion to appoint Commissioner Jaynes to the Rural Rail District. (Time: 10:16 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

**COURT ORDER NO. 2010-611-08-16**

**9. Potential 82nd Legislative items, Commissioners Court:**

**a. AI-31816** Discussion of legislative priorities

Judge Self asked for a discussion on legislative priorities. Commissioner Jaynes stated he was at an RTC meeting recently and they were discussing their legislative agenda. The subject of primacy was discussed, and Commissioner Jaynes thinks we should do away with primacy. He asked that that be placed on the County's legislative agenda. Judge Self thought that was a great point. (Time: 10:18 a.m.)

**NO ACTION TAKEN**

**b. AI-31724** Transportation Priorities as recommended by Commissioners Court.

**NO ACTION TAKEN**

**10.** Possible future agenda items by Commissioners Court without discussion.

Commissioner Shaheen wanted to know if the presentation on countywide voter locations would return. Sharon Rowe, Elections Administrator, said it will be rescheduled. (Time: 10:18 a.m.)

## EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session under Chapter 551.087, Economic Development Negotiations at 10:18 a.m.

**Economic Development Negotiations (551.087).**

**AI-32420** Plano presentation regarding Economic Development Proposal, County Judge.

**NO ACTION TAKEN**

Judge Self reconvened Commissioners Court at 10:43 a.m. Since there was no vote to be taken, the meeting was adjourned.

**Keith Self, County Judge**

**Matt Shaheen, Commissioner, Pct. 1**

**Jerry Hoagland, Commissioner, Pct. 2**

**Joe Jaynes, Commissioner, Pct. 3**

**Kathy Ward, Commissioner, Pct. 4**

**ATTEST:**

**Stacey Kemp, Ex-Officio Clerk**
**Commissioners' Court**
**Collin County, T E X A S**