COURT ORDER NO. 2010- 927 -11-08

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 11, 2010

On Monday, October 11, 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

Absent:
Precinct 4 Commissioner Kathy Ward

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

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.**

President Self called to order the meeting of the **Collin County Health Care Foundation** at 9:35 a.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 9:36 a.m. and reconvened the meeting of the **Collin County Commissioners' Court** at 9:36 a.m.

Judge Self recessed the meeting of the **Collin County Commissioners' Court** at 9:51 a.m. and reconvened the meeting into a Public Hearing at 1:00 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-32683 Amendment No. 1 to Commissary Services: Jail (RFP No. 01349-09) with Aramark to extend the contract for one (1) year through and including September 30, 2011 with proposed price changes that represent a 1% increase to various items in accordance with Vernon's Texas Codes Annotated Subchapter C, Section 351.0415, Sheriff.

Commissioner Shaheen asked for clarification regarding the 1% increase pursuant to Vernon's Texas Code. Sheriff Terry Box came forward to explain the process which is governed by the statute. Commissioner Shaheen asked if the county gets any of the revenue from the commissary. Sheriff Box replied prices at the commissary are cheaper than buying at the grocery store for the inmates; if a product is not provided, the inmate has the right to buy it, such as a candy bar or a cup of soup. The profit goes into an account controlled by the Sheriff and is under constant audit by the County Auditor. The funds can only be spent for the benefit of the inmates. The Sheriff buys uniforms, T.V.s for the pods and other things that are bought out of the commissary funds. By law, the money cannot be spent on anything except for what benefits the inmates. Judge Self asked Frank Ybarbo, Purchasing, how the 1% increase was reached; some of the prices went up by 10%. Mr. Ybarbo addressed the court in response saying this comes from the Sheriff's Office and is not under the county's authority. Judge Self confirmed the increase was 1% across the board. (Time: 9:41 a.m.)

2. Notification of budget adjustment(s)/amendment(s):

a. AI-32690 $25,000 to establish the budget to utilize the Drug Forfeiture funds for the Texas District and County Attorneys Foundation to support prosecutor, investigator, and key personnel seminars, training, and programs in accordance with Chapter 59.06(d) of the Code of Criminal Procedure, District Attorney.

b. AI-32721 $41,500 to transfer existing budgeted funds from the Juvenile Probation Department to the Juvenile Justice Alternative Education Program (JJAEP) to properly administer the functions of the JJAEP and to offset the cost of teachers, Auditor.

c. AI-32719 $50,000 to establish a budget utilizing Drug Forfeiture funds for funding to the Children's Advocacy Center of Collin County, District Attorney.

FYI NOTIFICATION

1. **AI-32691** Budget amendment(s)/adjustment(s) totaling $4,233,912 (over $5,000 per c/o 2005-589-08-01), Budget.

Commissioner Shaheen asked Jeff May, County Auditor, about the budget amendment for OPEB (Other Post Employment Benefits). Mr. May replied the county carried over $4.2 million from previous years and had budgeted $5 million for this year. Monika Arris, Budget, came forward to say there were funds from FY 2009 and FY 2010; they are moving the funds to the correct accounts. This is prior year's money that has been carried over each year. The $1.2 million came from FY 2009 and the $3 million came from FY 2010. Five million was approved for FY 2011. Commissioner Jaynes questioned a form that had been added to the backup for moving bond funds on road construction for moving a median. Ms. Arris stated that there was a completed project and so they are moving funds back to a contingency account. Commissioner Jaynes asked if this were a different item. Ms. Arris explained that the entire item was an overall amendment; they had been informed that a project was completed so they want to move the remaining funds so they can be used on another project. (Time: 9:43 a.m.)

2. Public Comments.

3. Presentation/Recognition:

a. Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of October, Human Resources.

Jon Kleinheksel, Public Works, came forward to present a retirement plaque to Don Watson in recognition of 23 years of service.

Mr. Kleinheksel then presented service pins to two employees in recognition of their years of service to Collin County. (Time: 9:35 a.m.)

Wayne Moore with 10 years of service
Stanley Baker with 15 years of service

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Judge Self informed the court and audience that Decisions Mandated items 2a and 2c were pulled from the agenda. Commissioner Shaheen requested Decisions Mandated item 1 and FYI Notification item 1 be pulled for discussion. Judge Self requested item 4d6 be pulled for a separate vote due to an amendment. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 9:37 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 4 – 0 Passed

a. **AI-32740** Disbursements for the period ending October 5, 2010, Auditor.
COURT ORDER NO. 2010-815-10-11

b. **AI-32699** Tax refunds totaling $333,644.13, Tax Assessor Collector.
COURT ORDER NO. 2010-816-10-11

c. Award(s):

1. **AI-32684** Justice Center Water Line Replacement (IFB No. 07302-10) to American Mechanical Services of Texas, Construction & Projects.
COURT ORDER NO. 2010-817-10-11

2. **AI-32651** Fencing, Labor and Materials All-Inclusive (IFB No. 07306-10) to Tectonic Construction and Destruction, Public Works.
COURT ORDER NO. 2010-818-10-11

3. **AI-32713** Vehicle Lease/Rental for the Collin County Special Operations Unit (IFB No. 06271-10) to EAN Holdings, LLC dba Enterprise-Rent-A-Car, Sheriff.
COURT ORDER NO. 2010-819-10-11

4. **AI-32710** Construction, Bridge: County Road 617 over Branch of Hickory Creek (IFB No. 07299-10) to Ashlar Contracting Company and budget amendment in the amount of $298,870 for same, Special Projects.
COURT ORDER NO. 2010-820-10-11

d. Agreement(s):

1. **AI-32632** Cooperation Agreement (Contract No. 09433-10) and Intent Memo with TVpug Entertainment for participation in the teen court documentary series and further authorize the County Judge to finalize and execute same, Administrative Services.
COURT ORDER NO. 2010-821-10-11

2. AI-32703 Interlocal Agreement with LifePath for equal quarterly payments of $189,781.25 (totaling $759,125 for FY2011) and further authorize the County Judge to finalize and execute same, Budget.

COURT ORDER NO. 2010-822-10-11

3. AI-32676 AmCad Software Maintenance & Update Agreement with American Cadastre, LLC (AmCad) the provider of software for the County Clerk's land, deeds and vitals; recognize American Cadastre, LLC (AmCad) as the sole source for software maintenance and future configuration changes for the AiLIS software per Local Government Code 262.024(a)(7)(A) and further authorize the Purchasing Agent to finalize and execute same, County Clerk.

COURT ORDER NO. 2010-823-10-11

4. AI-32724 Personal Services Agreement with Jan Kearney to pick up and legally dispose of large deceased livestock on an as needed basis and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-824-10-11

5. AI-32590 Interlocal Agreement with the City of Anna for the Utilities Engineering for FM 455 from US 75 to .75 miles East of SH 5 (2003 Bond Project No. 03-117B), budget amendment in the amount of $117,359 and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2010-825-10-11

6. AI-32700 Professional Services Agreement with Dr. Shupe for court ordered Mental Health Treatment and Applications for the Probate Court, approve exemption from the bidding process per Local Government Code 262.024(a)(4) and further authorize the County Judge to finalize and execute same, Commissioners Court.

Judge Self stated this item was pulled for discussion due a budget amendment which was on the item, but not included in the back up. Bill Bilyeu, County Administrator, came forward saying the amendment was on the cover sheet to the backup and should be better enunciated. Motion to approve item as submitted. (Time: 9:44 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2010-826-10-11

7. **AI-32712** Funding Agreement (Agreement No. 11091-10) with the Blackland Prairie Raptor Center for revisions to the scope of work to include the installation of an Aerobic Water System through the 1st Series - 2007 Parks/Open Space Project Funding Assistance Program (no additional funds are being requested) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2010-827-10-11

e. Amendment(s):

1. **AI-32581** No. 2 to Services: IPCC Enterprise CVP/IVR/AUDIUM Application - Technical Assistance (Contract No. 02358-09) with MGS Services to extend the contract for one (1) year through and including September 30, 2011, further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2010-828-10-11

2. **AI-32702** No. 3 to Interlocal Agreement for Animal Control Services with the City of Lucas to extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $19,030, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-829-10-11

3. **AI-32669** No. 3 to Interlocal Agreement for the Facility Construction and use of Animal Shelter Services with the City of Lucas to set the rate for FY2011 and extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $14,570, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-830-10-11

4. **AI-32701** No. 4 to Interlocal Agreement for Animal Control Services with the Town of Fairview to extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $35,013, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-831-10-11

5. **AI-32692** No. 4 to Interlocal Agreement for Animal Control Services with the City of Princeton to extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $24,624, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-832-10-11

6. **AI-32640** No. 4 to Interlocal Agreement for the Facility Construction and use of Animal Shelter Services with the Town of Fairview to set the rate for FY2011 and extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $22,209, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-833-10-11

7. **AI-32727** No. 4 to Interlocal Agreement for the Facility Construction and Use of Animal Shelter Services with the City of Farmersville to set the rate for FY2011 and extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $8,176, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-834-10-11

8. **AI-32668** No. 4 to Interlocal Agreement for the Facility Construction and use of Animal Shelter Services with the City of Princeton to set the rate for FY2011 and extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of $15,620, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-835-10-11

f. Change Order(s):

1. **AI-32728** No. 1 to Maintenance, Roads: Crack Sealing Services (IFB No. 03195-10) with Rose Contracting 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. 2010-836-10-11

2. **AI-32694** No. 4 to Services: Herbicide Treatment of Roadside Right-of-Way and Encroachments (IFB No. 08134-07) with Edko, 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, Public Works.

COURT ORDER NO. 2010-837-10-11

3. **AI-32726** No. 6 to Printing, General Office Forms (IFB No. 03080-07) with Extreme Business Services to extend the contract for one (1) year through and including September 30, 2011 with a price redetermination to the contract, further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-838-10-11

g. Receive and File – Final Audit Result(s), Auditor:

1. **AI-32657** Justice of the Peace, Precinct 3-2 (4th Quarter FY2009 and 1st & 2nd Quarter FY2010).

COURT ORDER NO. 2010-839-10-11

2. **AI-32658** Justice of the Peace, Precinct 4 (2nd Quarter FY2010).

COURT ORDER NO. 2010-840-10-11

h. Miscellaneous

1. **AI-32749** Adoption of the amended Collin County Historical Commission By-Laws, Commissioners Court.

COURT ORDER NO. 2010-841-10-11

2. **AI-32646** Grant application and Resolution for the FY2011 Indigent Defense Formula Grant and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2010-842-10-11

3. **AI-32732** Settlement amounts with the Internal Revenue Service (IRS) regarding the dispute of the 2009 Build America Bond Issues subsidies, Auditor.

COURT ORDER NO. 2010-843-10-11

4. **AI-32688** Returning a cash drawer to the Treasury department due to the elimination of a passport clerk position, District Clerk.

COURT ORDER NO. 2010-844-10-11

5. **AI-32709** Membership dues to the North Central Texas Council of Governments in the amount of $2,265 for the Storm Water Management Program of North Central Texas, Engineering.

COURT ORDER NO. 2010-845-10-11

6. **AI-32718** Realign drainage on the South side of CR 826, Public Works.

COURT ORDER NO. 2010-846-10-11

7. **AI-32714** Reject all proposals received for Services: Medical and Prescription Claims Audit (RFP No. 11066-10), Purchasing.

COURT ORDER NO. 2010-847-10-11

8. **AI-32707** Grant application for the "Enforcing the Underage Drinking Laws" (EUDL) Block Grant Program with the Texas Alcoholic Beverage Commission for funding to cover deputy overtime and equipment, Sheriff.

COURT ORDER NO. 2010-848-10-11

9. AI-32763 Consider an Order of the Commissioners Court of Collin County, Texas, levying a tax to secure payment of the County's Limited Tax Refunding Bonds, Series 2010, in the aggregate principal amount of $8,120,000; ratifying and confirming prior actions taken with respect to the issuance and sale of such bonds; and enacting other provisions relating to the subject, Commissioners Court.

COURT ORDER NO. 2010-849-10-11

10. AI-32761 Consider an Order of the Commissioners Court of Collin County, Texas, levying a tax to secure payment of the County's Unlimited Tax Refunding Bonds, Series 2010, in the aggregate principal amount of $14,810,000; ratifying and confirming prior actions taken with respect to the issuance and sale of such bonds; and enacting other provisions relating to the subject, Commissioners Court.

COURT ORDER NO. 2010-850-10-11

GENERAL DISCUSSION

5. AI-32717 Local Option Election for the City of Lowry Crossing to be held May 14, 2011 for the legal sale of all alcoholic beverages for off-premise consumption only, Elections.

Sharon Rowe, Elections, came forward to certify that the number of signatures required to order a Local Option Election in the City of Lowry Crossing is sufficient; the measure is to legalize the sale of all alcoholic beverages for off premise consumption only. The required number of signatures is 161; 196 have been accepted as valid for the petition. This election will go to the next uniform election date which would be May 14, 2011. Motion to approve the Local Option Election as submitted. (Time: 9:45 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 4 - 0 Passed

COURT ORDER NO. 2010-851-10-11

6. AI-32743 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the court with personnel appointments. Ms. Jacobson stated all appointments met standard guidelines. Motion to approve personnel appointments. (Time: 9:45 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2010-852-10-11

7. **AI-32742** Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the court with personnel changes. Ms. Jacobson stated all changes meet standard guidelines. Motion to approve personnel changes. (Time: 9:46 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2010-853-10-11

8. **AI-32744** Board/Committee Appointments, Commissioners Court.

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

Judge Self opened the comments by saying there are currently 16 items for examination by state legislators in a meeting scheduled for Monday October 18, 2010. These need to be prioritized before the meeting because there are so many. Judge Self asked the court to prioritize these items so they can come to an agreement and discuss them with the State Legislators.

Bill Bilyeu, County Administrator, came forward saying all State Representatives will be present; the State Senators will send staff. The meeting will begin with a presentation from Bill Hale, Michael Morris and Ruben Delgado as it is a Member of Transportation/Legislative meeting. After the presentations they will move into the legislation. The last couple of years the State Representatives have gone over the list and determined which items they have an interest in sponsoring. The representatives will let them know if they need additional information. Mr. Bilyeu referenced the list of items and informed the court that some of the items will be considered more of a mission statement. He will bracket out which items are mission statements and which are actual legislative items.

Judge Self stated that Commissioner Jaynes had a request to move the slaughterhouse item from the top of the list. A discussion with Mr. Bilyeu and court members regarding the potential legislative items followed. Commissioner Shaheen stated he thinks the court should consider a change to the Alcohol Beverage Code which states alcohol sales stop at midnight unless a county's population goes above 800,000 at which point alcohol sales can be extended to 2:00 a.m. Commissioner Shaheen proposed keeping the time at midnight and not extended it until 2:00 a.m. as well as increasing the population requirement by 60% which would increase the requirement to a population of 1.3 million.

Commissioner Jaynes wants to hear from the cities before making changes to the statute; they will want to weigh in on the proposal because it can affect their tourism and budgets. No other comments were given. (Time: 9:51 a.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

EXECUTIVE SESSION

The Commissioners' Court did not recess into Executive Session. There being no further business of the Commissioners' Court, the meeting was recessed at 9:51 a.m. until 1:00 p.m.

AI-32621 Retirement insurance coverage for an employee, Commissioner, Precinct 4.

PULLED

1:00 P.M.

AI-32647 Public Hearing – Lake Lavon Route Study

Judge Self reconvened the meeting of the Commissioners' Court at 1:00 p.m. Judge Self opened the discussion by saying the court and audience was there for a single issue; the Lake Lavon Bridge. There is a presentation that would be introduced by Ruben Delgado, Engineering, and another by the organization Save Lake Lavon. Judge Self stated the court would begin with the engineering briefing, then the Save Lake Lavon briefing and then they would move to public comments.

Ruben Delgado, Engineering, came forward. Mr. Delgado stated that in 2007 the Transportation Subcommittee submitted this project for Commissioners' Court approval to conduct a route study. In November 2007 the voters approved the transportation plan which included $500,000 for a route study of Lake Lavon. HNTB was approved to move forward with the study. Over the last year there have been two (2) public hearings. Both the route and the study have been put on the website and the county has consistently received public comment. Mr. Delgado then introduced Rusty Ozmer who would give a power point presentation and engineering briefing. (Time: 1:03 p.m.)

Rusty Ozmer, P.E., HNTB Corporation, came forward with a brief history of the project which was initiated in 2007 as a result of a bond election where voters approved funding for a route study across Lake Lavon. In April 2009, Commissioners' Court elected to begin developing the study to approve a technically feasible alignment across Lake Lavon.

Mr. Ozmer gave a project overview which included project development. If funding were to become available, construction could be completed in 8 to 15 years. Currently the only funding in place is for the route study. The briefing included the project need and purpose with Collin County employment and population growth projections. Mr. Ozmer projects that by the year 2039 Collin County's population will expand to an estimated two million citizens. Locations of the estimated population growth as well as the employment forecast were also shown. The southeast section of the county is expected to see significant growth, which will create a need to access the U.S. 75 corridor via the lake. The court was shown a slide depicting a proposed typical section for both the roadway and the bridge. Mr. Ozmer continued saying the purpose of the study is to identify a technically feasible alignment to accommodate the growing east-west mobility needs, which results from population growth and development and to provide direct access to and from U.S.75, the peninsula and the future Outer Loop as well as to provide an alternate east-west route other than U.S. 380 to the north and S.H. (State Highway) 78 to the south to alleviate congestion. The intentions are to avoid or minimize the environmental impact as well as the number of parcel and homes which could be affected by the project. Based on the first public hearing, an additional alignment was developed and an updated map was given to the court. An evaluation matrix which compared the purple, green and red alignments was shown to the court. The comparison included the noise, natural, cultural and socio-economic impact of each alignment. In closing, a map depicting a technically feasible alignment with the preferred being the red alignment was presented to the court. (Time: 1:13 p.m.)

Judge Self opened the meeting to public comments which included a presentation from Save Lake Lavon. There were 28 blue cards submitted to the court; 25 opposed the project and 2 were in support of the project.

1). Kay Nordby, Princeton, came forward with a power point presentation and comments on why the route should be rejected. Ms. Nordby read a prepared statement saying they realize that a long term transit plan is required, but it should fit the need, be cost effective and achievable. The current congestion on S.H. (State Highway) 78 and U.S. 380 is unacceptable; however this route is not the solution. Nobody should endure hours on a blocked road and nobody should endure years of living under the threat of imminent domain or the loss of their home. There is a way for everyone to win and the solution doesn't involve a transit hub or route. The chosen route is two diagonal paths crossing in deep water.

The Corps of Engineers told them that to be considered for approval, they require each bridge to have a 360 foot wide support free span, 52 feet above flood level. This route doesn't meet the Corps of Engineers criteria because they say it is not a regionally significant artery and, in their opinion, alternate roadways could be improved to handle the traffic. As of July 9, 2010 the Corps of Engineers rejects all routes that were proposed. On October 5, 2009, Engineering commented that no design work is planned in the foreseeable future and this route could stay a line on the map forever. So, under the route, what we are facing is home values will drop; the longer Collin County waits, the lower the value will drop for imminent domain if it happens. Collin County will in effect, be setting the price they want to pay for the land. The route forces an uncertain future for an indefinite amount of time. None of the bridge routes have ever been included on the NCTCOG (North Central Texas Council of Governments) Regional Thoroughfare maps or in their calculations. Ms. Nordby referenced a slide that depicted a traffic study from NCTCOG and stated that this is without a bridge; to the north, south and east of the lake there will basically be no change to the congestion in 2030. At the October 7, 2009 meeting, Engineering told the community that they had not done a specific study to show the effects of building or not building a bridge; they had no specific study to refute the light congestion shown in the NCTCOG maps. The NCTCOG forecasts show the route is not near unmet peak hour demand. That unmet peak hour demand is at Highway 380 and S.H. 78. It was recently learned that due to fiscal constraints, TxDOT (Texas Department of Transportation) requirements state that existing infrastructures should be improved and traffic remedies should target congestion directly.

2). John Wheeler, Princeton, addressed the court in opposition to the bridge. Mr. Wheeler gave comments saying many of the local people are saying if they have to pay a toll and it doesn't shorten their commute, why would they pay a toll when they can go on other roads. Consequently, if this is true then the ridership across the bridge will not be what is projected. The route is situated near the proposed hub, but if it is a toll bridge, are truckers going to pay the toll when they can ride on state highways for free? This will not reduce congestion on the free roads, and toll roads are not built without a cost to taxpayers. The job of selling this bridge to a proposed developer would depend on how much traffic he could get across the bridge. If people are not using it, how are you going to sell it? What is the motivation to improve S.H. 78 and U.S. 380 if this is approved, which makes more sense. What are you going to do with the traffic once you get across the bridge? Dump it in Plano or U.S. 75 where it is already congested beyond its capacity today? Mr. Wheeler stated he would appreciate the court dumping the whole project.

3). Ralph Perkins, Princeton, came forward in opposition of the bridge. Mr. Perkins stated he represents Save Lake Lavon. The route represents a plan that costs too much money and serves too few. The $400 million dollar project unfairly burdens the mobility plan and all Collin County taxpayers.

Mr. Perkins referenced a slide saying all of the taxpayers west of the lake will be paying for very few people on the east side of the lake who will use the route. The route represents a plan that is not cost effective. An alternate route the organization proposes, is to use McMillan Road or Park Boulevard and widening to six (6) lanes instead of four (4). It would cost approximately $11.4 million per mile to do that route. The estimated cost of the Lake Lavon route is approximately $54 million per mile which is 4.7 times more expensive. Another aspect is the Average Daily Trip. The new S.H. 121 and U.S. 75 interchange, which everybody goes through, has a projected cost of $274 million at an average traffic count of 94,500 cars. The Lavon Bridge has projected traffic of 27,000 cars at a cost of $470 million; the Average Daily Trip cost is $17,407, which is six times more.

4). Todd Nordby, Princeton, addressed the court in opposition to the bridge. Mr. Nordby gave handout to the court members and continued with the presentation. Mr. Nordby referenced a slide of the TxDOT Long Range Transportation Plan SLRTP (Statewide Long Range Transportation) 2035. The available budget through 2035 is $58 billion and the projected needs are $370 billion. This bridge itself is $470 million; this is a major budget buster for TxDot. We have to be very financially conservative, approach all projects with the most effective approach, encourage shifts in how we travel and target transportation investments where we can get the biggest bang for the buck. The bridge route is a very extravagant cost, does not currently meet any of the Federal, TxDOT or MPO (Metropolitan Planning Organization) guidelines. TxDOT follows U.S. Code Title 23; it's how they build their project plans and MPOs follow it. This $470 million does not follow any of those guidelines; therefore, by definition it cannot be put into the 2035 plan and will probably be rejected. Mr. Nordby stepped away from the podium to show the court a display of an alternate route that the organization thinks is the most cost effective way to spend tax dollars. In closing, Mr. Nordby stated that in his opinion this project is contrary to conservative fiscal policies. If you look at conservative platforms or tea party platforms this project seems extravagant, out of touch policy. We hope you will not vote for approving this.

5). Don Moore, Wylie, came forward to oppose the project. Mr. Moore wanted to summarize what had already been said and give thoughts of his own. One of the main comments is that this is all very subject to revision; nothing is being firmly put into place. This has the effect of keeping a lot of people in limbo with their home values and with things that can happen down the line. When asked what this is, it is very similar to the place holder route that has been presented before. This could very well change; there is no money to build this and one of the answers he has received from county officials, referring to the road on which he lives, is that it will never happen in our lifetime. Mr. Moore said that really bothers him because we should be concerned beyond our own lifetime and with the future of our county and citizens; not just what benefits us now. This will continue to hinder lake development; the main thing they ask for, is that the entire bridge be done away with.

There are areas of the county that have become self sustainable. There are people on the eastern side of the county that have access to more than they used to have; they will continue to have access to retail and other things that are needed on a day to day basis without having to go to Dallas to spend their money. It will be more self sustaining. A major point, on his part, is that this county has a unique and beautiful aspect and that we have highly developed suburban areas with great industry, great shopping and areas that are rural. It is very important to try and keep some rural aspects to this county because that is what brought a lot of people here in the very beginning and the purpose for coming to this county in the first place. If we try to make it look like the city then that is what we will have; a very big extension of Dallas. The projections given earlier on build outs and traffic are purely guesses. Nobody knows, there is a lot of economic uncertainty right now. As to the evaluation matrix that showed the plusses and minuses, it had a very small percentage for public input and even then it showed a positive. There are very few people who are aware of this project; it has not been publicized, it has not been in the news and people are not aware of it. When they are aware of it, they are against it nearly always.

Judge Self gave brief comments saying typically the court will ping pong between supporters and opponents of any idea. In this case there are only two who have indicated they may be for this project.

6). H.L. Lewis, Parker, came forward. Mr. Lewis said his comments were not really whether there be a bridge or not, but that there be some type of access to the eastern part to Collin County. He lives along Parker Road and knows how much traffic there is; he shops on Highway 544, which connects Wylie and Plano. In the last couple of years Parker Road has widened and it is very crowded nearly all the time, particularly during lunch hour and in the evening when people are coming home from work. In his opinion when people come home from work and reach Highway 78 the majority turn and go north on Highway 78; there is a need to have another connection other than 380 to get to Highway 78. Whichever route we choose, there is a need for it and it is coming faster than we really want to believe.

7). Billy Stevenson, Nevada, approached to give his comments saying he wants to go on record that he is opposed to the bridge route. There is a more economical solution in land based expansions of the roads we already have.

8). Joe Foltz, Wylie, came forward to say he wants to go on record that he is against the bridge route and thinks there is a more economical way to handle the traffic. He wanted to reinforce what was said before.

9). Francis Wheeler, Princeton, came forward saying she would appreciate it if the court would vote no on this bill.

10). Dick La Blanc, Dallas, addressed the court. Mr. La Blanc stated that he is the owner of Hanover Property Company, owner of what is known as the Lavon 593 property. Mr. La Blanc said he didn't know if he was for or against the project because there is not enough information on traffic and such. He informed the court his company had a vested interest and is scheduled to begin development in 2011. Should the project for the bridge occur, substantial right of way funds would be needed for the 593 property.

11). Vicki Leeper, Princeton, came forward to oppose the project. Ms. Leeper told the court the reasons for her oppositions to the proposed route have been covered by previous speakers; however, she hoped the court would hear her when she adds her voice to the opposition of the project with the same enthusiasm as if they were seeking her vote as a candidate.

12). Rodney Boswell approached the court in opposition of the bridge. Mr. Boswell, began by asking if anyone was watching T.V. This country has enough financial problems right now. We have no business spending money we don't have. This project has frozen real estate on the whole peninsula and will continue to do so until it is either killed or done and he is really tired of it.

13). David Smith, Plano, came forward with comments on the bridge project. Mr. Smith said he has yet to hear public support for this bridge route and thinks the improvements to Highway 78 make a lot more sense to pursue. Mr. Smith suggested the court schedule a review of the county thorough fare plan which, in his understanding, has not been done in a number of years. When he served on the Plano City Council this was done every three years and more often if there was a need. Mr. Smith also suggested a potential change to the plan which was to erase the line; if there is a compelling case from the public for the bridge, it may come out at that time. If the court continues to hear what they have been hearing, the line should be erased. In Plano they had a thorough fare plan that became a transportation engineer's dream. It had many bridges and over passes; however, it was scaled back when it was realized that the cost was too much. Mr. Smith encouraged the court to put his suggestion on a future agenda.

14). Mary Warlick, McKinney, came forward to oppose the bridge. She wanted to go on record to say she lives in rural Collin County; we need work on the roads instead of spending money on the bridge. Ms. Warlick doesn't like the confusion and thinks it will be a mess when the trucks start going back and forth. There will be more cars and this will be a mile from her house. Ms. Warlick said she hopes the court, which she voted for, would take this under consideration. Please consider not building this bridge.

15). David Strawn, Princeton, came forward to oppose the bridge. Mr. Strawn said between himself and his family, they own approximately one mile of what would be frontage on this proposal. They very likely would benefit from the land sometime in the

future should this happen. Mr. Strawn is adamantly opposed because he thinks the bridge is a horrible idea. Because of the cost involved in transporting people from the east side of the lake to the west side of the lake; this is not a viable solution. Even though he would benefit tremendously from this, the court needs to look at the bottom line. Who will benefit from this, the citizens of Collin County or a few people in the transportation hub?

16). Glen Wilsford, Princeton, came forward to oppose the bridge and say it is a shame we have to beg for the properties we are already paying for; this is not feasible and it's a bad idea. In this economy, it's just a bad idea.

17). Deborah Krajewski, Nevada, approached the court to oppose the route. Ms. Krajewski reminded the court that they were the majority voice when the court met in Wylie, they were the majority voice when the candidates met prior to the republican primary, during the primary and in the Precinct 2 run off. They understand there will be growth in their area and that a natural growth is acceptable; however, this route is for a bridge that is an unacceptable cancerous growth. It will take homes and land from families that have lived there for generations. Her property value dropped $15,000 in the past year and a half; they have put $65,000 in repairs to their home in the last year, so this has brought destruction already. Ms. Krajewski is not comforted when she hears there is no money for this bridge; when the government is ready for a project, it will get the money. The bridge route study money was put in a bond package that was covered over with multiple projects and then sent out for the county to vote on. Citizens were told they voted on this; that is not accurate, it was voted on by the most populated portions of the county. That is how it passed and such will be the case when money is needed for the bridge. It is the responsibility of the Commissioners to notify their constituents that by approving the route they will be putting into motion this extravagant, half a billion dollar project that their constituents will be paying for and will probably never ride on; paying for the removal of families from their homes and land that they have lived on for generations. The route is for a bridge that the majority of the locals do not want. When all county citizens realize they will be paying for this bridge, they will say no to this bridge and no to this route in numbers too great to be ignored. When we elect our officials we give them our vote with the expectation that they will honor their commitment to represent us; if they stop representing us, we go back to the ballad box and fire them.

18). Andrea Reed, Nevada, came forward to oppose the bridge. She and her husband live in the red line of the proposed route. They are against this and the court should be against this, mainly for what it will do to the lake. It is a jewel in Collin County; you should be promoting it, not trying to destroy it.

Ms. Reed continued saying you are trying to completely severe a cove. These people are living in homes that have already been moved once, now you want to move them out again. You should be ashamed if you vote for this. Ms. Reed said she started thinking why do they want the red line? Why do they want this? It is because it covers seven miles of lake front property. No one has talked about the railroad which is a government unto itself, you don't tell them what to do, they tell you. Ms. Reed called the Rail Road Commissioner who sent her to the Project Manager for the Kansas City Southern. He has never heard about a bridge going across the rail road tracks. How can you have a proposed study if you haven't asked if you can do it, or if it can even be paid for? Ms. Reed told the court they needed to look before they vote; make sure they don't have funds from developers in their campaign finances because it doesn't look pretty. Vote no.

19). Stephanie Casson, Plano, came forward. Ms. Casson has lived in Parker for 10 years. She moved there to get out of the city and thinks is it a wonderful place to live. Over the years she has watched Parker road expand and seen people on both sides have their homes taken away. She thinks this is appalling. As a taxpayer she does not want to pay half a billion dollars, because that is what it will come to; budgets never stay on track. She does not want to pay a toll on a bridge she has paid for as a taxpayer. Ms. Casson thinks the bridge is unnecessary and does not want to see Parker Road turned in to a major thorough fare and ruin this wonderful city. She asked the court to vote no on the project.

20). Tonya Wilsford, Princeton, came forward. She like so many others are against this bridge. She and her husband have lived in the area for 16 years. With each year they continue to improve their property. Unfortunately, before they embark on another improvement, they have to wonder if they should even do it; is it a waste of money? Ms. Casson thinks this is an extreme waste of money; the money can be put to better use on existing roadways. She is against this and asked the court to please look at everything thoroughly before they vote. Please vote against it.

21). Robert Simmons, St. Paul, approached the court. Mr. Simmons stated this movement inspired him to seek public office and he is now a Councilman in St. Paul. He thanked the court for inspiring Save Lake Lavon which will help with future Collin County concerns. The silver lining in this is having people involved and voicing what they would like to see happen in their county.

Mr. Simmons told the court that S.H. 78 and U.S. 380 should be true highways with overpasses and on/off ramps. He is suspect of the study; the purple line indicates a negative cultural impact and a negative environmental impact, but Lake Lavon has culture. It is the last lake in the Dallas area that does not have a major bridge over it. We need to preserve the tranquility; it's a natural and cultural resource.

Mr. Simmons' comments included the growth in Farmersville and Greenville and told the court, the county needs to keep those areas in mind.

Mr. Simmons said he has signs in his yard and he talks with people all the time who are not aware of what is going on. When they find out, they use him as their advocate because they cannot believe that it is still going on. If this were broadcast more, there would be a much bigger backlash. Mr. Simmons thinks the court should vote against the project.

22). Cynthia Percival, Princeton, came forward to oppose the bridge. Ms. Percival said like the others in attendance, she was there to put a face on the dots that are displayed on the map. Her house is paid for; she has lived there for 30 years. She bought her house as a home, not an investment. She is here to beg for her home and her 200 year old pecan trees. Ms. Percival said she hopes this is as dead as the Trans Texas Corridor.

23). Cindy Myer, Parker, approached in opposition to the bridge with comments from a prepared statement. Ms. Myer moved to Collin County, to Plano, in the early 1970s. Plano west of Central was basically farmland. She chose Plano to be away from the city. Plano grew and rooftops were everywhere. They move to Parker where housing was low density, there were horse farms and a two acre minimum. This year D Magazine rated Parker as the best Dallas suburb to live. Ms. Myer said this is because less is more. Lower population density, less traffic, less government services, less taxes and less crime. Government seems to think in terms of population growth, tax revenue and power; it is not the government's responsibility to develop rural areas. People who live on the east side of the lake live there for a reason. She has not heard one person in any of the previous public hearings stand up and say they want a toll bridge. What she has heard from people, whether they live on the east side of the lake, the peninsula or the west side of the lake, is loud, clear and consistent. If you build it they will come, sounds great for the movies but in reality people like and want to retain their rural lifestyle.

24). Chuck Molyneaux, Parker, came forward to oppose the bridge. Mr. Molyneaux said this project is in no way fiscally responsible; the citizens of Parker and other organizations they are associated with do not want to see their rural lifestyle destroyed with a major highway going through the middle of things. Mr. Molyneaux asked the court both personally and for the others who live on and around Parker Road to vote no.

25). John Rawley, Princeton, came forward to oppose the bridge. Mr. Rawley told the court he recognizes they have a very difficult job in making decisions for the future. Decisions have to be made using fiscal responsibility. Mr. Rawley said he hoped the court would be against this project and remove the route.

He lives on the peninsula and drives a long way to get there. It is worth it when they get there; however, it is beginning not to be with the threat of the bridge and at some point they may have to leave because of the project. He believes voters are beginning to wake up, because of the economy, on things that used to be taken for granted like almost endless county resources that could be spent in any way. The possibility of bankrupting governments is there and he would like the court to take that under consideration and asks the court to vote no. (Time: 2:00 p.m.)

Judge Self announced there were no more blue cards and returned to the engineering briefing. Judge Self asked for discussion from the court. Commissioner Hoagland asked Mr. Ozmer to come forward. Commissioner Hoagland asked to see the evaluation matrix and clarified the alignment Mr. Ozmer referred to in his briefing, which was the purple or northern alignment. Commissioner Hoagland asked about the cost. Mr. Ozmer replied approximately $463 million; the red alignment or southern alignment is approximately $402 million. Commissioner Hoagland asked why the red is so much more expensive when half of it was already there. Mr. Ozmer replied that although there is a portion of the bridge, the second span has more bridge deck than the other alternatives. Mr. Ozmer said while there are several sub-alternatives on the map, his firm evaluated three main alignments in the analysis.

Commissioner Shaheen asked about the objections from the Corps of Engineers and asked Mr. Ozmer if he had discussions with them. Mr. Ozmer said they did meet with the Corps of Engineers and they told them about their policy; however, at that point in time this was a preliminary route study. If they moved forward with the project, they would meet the Corps of Engineers standards in terms of making it a thorough fare plan. If the Corps saw this on the COG thorough fare plan then it would be acceptable. Commissioner Shaheen asked if the height and span requirements were considered in the cost estimate. Mr. Ozmer replied yes, those calculations were factored into the cost.

Judge Self asked why, in the original bond program, did the county go directly to a bridge study as opposed to a mobility study. What the county needs to provide to the citizens is mobility, not build a bridge. Ruben Delgado came forward in response saying the county has a thorough fare plan. TxDOT and COG (Council of Governments) have a mobility plan; the major difference is that COG has a financial constraint. Federal law will not allow them to put forward more than their finances allow. The county's thorough fare plan is strictly based on population. It is modeled on demographics. Mr. Delgado stated that the 2006 and 2007 projections placed the county population at 2.2 million; the plan asks what kind of roads would the county need to support that population, COG asks what can you do, with the monies you have. The plan was run on COG computers based on transportation infrastructure, not financial constraints.

The county's thorough fare plan is used to fund projects in concert with the cities and mirrors the comprehensive plans of the cities based on the growth seen in the county.

Judge Self repeated his question of why did the county not go to a mobility study to get folks from the east side of the lake to the west side of the lake as opposed to a bridge study. Judge Self also asked while the court has heard from one City Councilman from St. Paul in the meeting today, have the cities weighed in on this bridge? Mr. Delgado replied a part of the mobility plan is interviewing all of the cities to see what their comprehensive plans are; this is not for a particular city. It is put on as a placeholder for Commissioners' Court direction; they ran the model based on what the Commissioners' Court said.

Judge Self revisited the map depicting population growth which has a red dot for every 250 citizens. Judge Self prefaced his comments by saying he has briefed the Joint Chiefs of Staff in the Pentagon and attended deputies meetings in the White House situation room and it is his opinion that the county has not made their case for this bridge. He pointed out the southeast corner of the 2030 and Ultimate maps and asked Mr. Ozmer to explain the significant difference between the 2030 projection and the ultimate build out. Mr. Delgado came forward in response saying the dots were generated based on the cities projections in their comprehensive plan, building permits, zoning, etcetera. As the county progresses every ten years this is what we think the population will be; 2030 is the long term and past 2040 is the ultimate. Judge Self then referred back to the employment forecast maps and stated that there are a lot of needs in the county, in terms of population and employment, in the growth corridor. Judge Self does not want to focus only on the growth corridor because the southeast of the county is growing rapidly. Collin County is economically constrained; we can't just throw a road everywhere, eventually we will run out of money. Judge Self does not think the county has made its case for spending this much money for a bridge as opposed to doing a mobility study to get people from the east side of the lake to the west side of the lake between 2030 and 2040. Anything beyond that time frame needs certainty because one of the things he is hearing today is the uncertainty; uncertainty is what is killing our country today. Nationwide uncertainty in the future is killing the people who have money to invest and don't want to invest.

Judge Self went to the TMMP (Texas Metropolitan Mobility Plan), whose projections for population growth go to 2035. This reinforces that in 2035, the east side of the county will not have the population as compared to the west side of the county. Judge Self said he is prepared to vote and asked for comments from the court.

Commissioner Jaynes replied he has never had the pleasure of briefing at the Pentagon or the White House, but he has attended numerous other public hearings and he has never seen so many people united in not wanting a project.

Commissioner Jaynes commended the citizens for taking this issue to the next level and for putting together a very impressive study which he enjoyed reading.

Commissioner Jaynes said the court works for the citizens. He has to listen to the people and people are right. Commissioner Jaynes made a motion to delete the bridge route as an active project for Collin County. Judge Self said the court needed to clarify what they were voting on and asked if this was to take the line off the map. Discussion among court members regarding what action needed to be taken followed. Commissioner Jaynes said he wanted to look at the agenda and make sure the court was doing this correctly; they don't want to miss anything. Judge Self said the court is fine and could make any motion and take any action on this road. Commissioner Jaynes amended his motion to not accept the study and take the bridge off the thorough fare plan. Judge Self asked for any other discussion. Commissioner Hoagland said he is for keeping the study on the thorough fare plan; at some point in time a bridge across the lake will be needed. It will not be in his life time, but the court is entrusted with looking out for the future of Collin County. (Time: 2:18 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 3 - 1 Passed
Nay: Commissioner Jerry Hoagland

COURT ORDER NO. 2010-854-10-11

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