COURT ORDER NO. 2011- 354 -06-06

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT MEETING MINUTES MAY 16, 2011

On Monday, May 16, 2011, 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 Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Jaynes led the Invocation.
Commissioner Webb 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 6:30 p.m. and opened the Public Hearing. Judge Self recessed **Commissioners' Court** at 7:19 p.m.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 7:19 p.m. and adjourned the meeting at 7:19 p.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 7:19 p.m. and adjourned the meeting at 7:20 p.m. The meeting of the **Commissioners' Court** was reconvened at 7:20 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-33569 Budget amendment in the amount of $24,380 to establish a budget for the CSCD (Community Supervision and Corrections Department) Personal Bond / Surety Supervision Program, Auditor.

FYI NOTIFICATION

1. AI-33604 Addendum No. 1 to Software & Implementation for Public Works (RFP No. 01097-11) to make various changes to the Request For Proposal, Purchasing.

2 Change Order(s):

a. **AI-33608** No. 3 to Justice Center Domestic Water Line Replacement (IFB No. 07302-10) with American Mechanical Service to reroute domestic hot water lines in the kitchen area from chase to the janitors closet, add four additional fittings and add five days to the contract due to inclement weather, Construction & Projects.

b. **AI-33574** No. 10 to Construction: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

Commissioner Webb stated he pulled items 2a and 2b due to concerns that we seem to keep making change orders and making changes to the plan as a result of the initial documents not following what we did when we built the main courthouse. The second set of drawings is causing the county to spend money or lose money because they should have been drawn right the first time. The Commissioner wanted to express his displeasure that this crops up on a monthly basis. Judge Self asked Bill Burke, Construction Manager, what is the percentage of the change orders cumulative to date. Mr. Burke said on the courthouse project we are .005 negative, which is negative $124,000. Judge Self stated we are still $124,000 to the good. (Time: 7:30 p.m.)

3. 2010 Annual Report(s) for Tax Increment Reinvestment Zone, City of McKinney:

a. **AI-33627** No. 1, Town Center TIRZ.

b. **AI-33628** No. 2, Airport TIRZ.

6:30 P.M.

PUBLIC HEARING

AI-33597 Proposed technically approved alignment(s) of the Collin County Outer Loop, Segment 3 from the Dallas North Tollway (DNT) to US 75, Engineering.

Ruben Delgado, County Engineer, came forward and stated the purpose of tonight's public hearing was to listen to input from the many stakeholders, property owners and interested people in Segment 3 from U.S. 75 to the Denton County line. A map was located in the front of the courtroom depicting the routes for three color-coded technically approved alignments. Mr. Delgado introduced Will Barresi, P.E., from CH2MHill. Mr. Barresi is the engineer for the project and he had a Power Point presentation entitled Collin County Toll Road Authority, Outer Loop Segment 3.

Mr. Barresi presented a brief agenda for the meeting and then moved to the Collin County Outer Loop Project Need. Due to the vast growth in Collin County over the past 10 to 15 years, the Court has realized we have to plan for the future. According to Forbes Magazine, the cities of Frisco, McKinney, Allen and Plano are four of America's 25 Best Places to Live. Mr. Barresi showed a graph with population trends from 1990 to 2030 at which time the population in Collin County is expected to reach 2 million. The need for this project is to invest in infrastructure to accommodate responsible planned growth. Continuing, Mr. Barresi said the Collin County outer loop is a 55-mile section of the 240-mile planned regional outer loop encircling DFW. Regional planning dates back to the 1960's; Collin County's planning dates back to 1982.

Proposed ultimate typical section of this project is a 500-foot wide alignment which could maintain five lanes of traffic in each direction with service roads on the side and a potential for a future rail envelope down the middle. Mr. Barresi touched briefly on the overall project status. Segment 1 covers the area from U.S. 75 to SH 121, Segments 2 and 4 run from Rockwall County to U.S. 380 and Segment 5 runs from U.S. 380 to SH 121. Moving to the status of Segment 3, Segment 3 is the section from the Dallas North Tollway east about 15 miles to U.S. 75. A corridor study was completed in 2006 and a 500-foot wide technically preferred alignment was established. Mr. Barresi's job is to refine that technically preferred alignment if necessary. Environmental studies by the Council of Governments (COG) are underway and public involvement, which has been ongoing for the past year, is expected to be completed in spring 2011.

A brief status was presented of former public meetings and stakeholder meetings that were held. Mr. Barresi said public input is central to what they are trying to do. He spoke briefly about alternative alignments and their methodology for coming up with them. A constraints map is developed of the project area to identify potential adverse impacts of alignment. The information gathered is entered onto a matrix and divided into four major categories: enhanced mobility and safety; cost effectiveness; engineering feasibility; and environmental impacts. From there, those four categories are broken out into different areas of criteria.

Mr. Barresi said after tonight's public hearing they will review and discuss the public hearing comments for inclusion into the project record. 700 mailers were sent out for this meeting. The findings will be brought back to court and then it's up to the Board's decision to decide on a preferred alignment. That should happen in June or July. Following that the next step will be to develop a schematic design based upon findings. The date for that is to be determined. And then they will develop a final design based upon schematic for selected portions of the project.

In conclusion, Mr. Barresi showed a slide from 1959 showing U.S. 75 North Central at Walnut Hill looking south. He then showed a slide of what the same

area looked like in 2005, noting the region's leaders had the vision in 1959 to realize we needed a highway through the area.

Moving to public comment, Mr. Barresi said there are two ways for citizens to be heard. They can come forward and verbally present comments. Everyone will be heard, although there will be no responses tonight. The other way to make comments is through comment forms which are available to citizens.

Judge Self asked court members for questions. Hearing none, he asked if anyone needed a written comment form. Forms were handed out to citizens. Judge Self asked for comments.

Tom Fris, 1441 County Road 282, McKinney, said his sense is that this has to be done. The path is going right through his house. Five years ago they never got a notice saying it was coming through his house. The technically preferred alignment was chosen and they started making some choices about building and making changes, and now they're hearing it's going to change again. He doesn't feel there's a lot of transparency. He was told in February there was no money left and nothing was going on. Then he finds out there is an open bid for proposal. Mr. Fris said if they make the decision to go with the yellow alignment, they should say it's because McKinney wants the tax dollars. He said obviously he doesn't want the path to come through his house, but he wants a decision made so he and his family can move on with their lives.

Lee Davidson, 6364 County Road 281, Chambersville, was the next speaker. Mr. Davidson lives to the south of the reservoir. His property is north of the orange and yellow routes and on the other side of the green route. His main concern was with the orange route which moves 500 or 600 feet closer to the Chambersville Church and cemetery. Chambersville has as long a history in Collin County as McKinney, going back to the 1850's. He thinks it would be disrespectful and inappropriate to move towards the orange route.

Kate Robbins, 7114 County Road 971, Celina, addressed the green line from 543 to U.S. 75. She said there is a natural and cultural impact of that line because it goes through Chambersville tree farm and Chandler's rose garden. It is a heritage garden with heritage trees and roses. It's a community event center for the Boy Scouts. Ms. Robbins felt there would be a detrimental impact of putting the road through there and damaging the trees and rose gardens.

Jim Orr, 7253 County Road 206, Celina, said his property is located between the orange and green routes. His concern is the orange line gets close to the historic Chambersville Church, cemetery and community center. Mr. Orr also felt if it was brought up to County Road 205, it would impact a number of homes. He appreciated the public forums which gave citizens an opportunity to express their concerns.

Cabe Chadick, 1515 County Road 282, McKinney, had a suggestion with regard to transparency. He felt the matrices were nice but he felt the category of "Public Input" was a misnomer. He can't tell if the input is from the City of McKinney or somebody like himself who would be personally impacted. He asked if "Public Input" could be separated between stakeholders and property owners.

Linda Cox came forward to talk about property on Highway 90 and 92 in Celina. Ms. Cox said she knows we're here to discuss a route for the outer loop which will be in conformance with county plans for the development of economic growth, and she knows it will be minimized by routing along county lines and existing roads. She doesn't think it makes sense to split properties diagonally without access. Ms. Cox stated she can't see the logic in the northward crook of the Segment 3 alignment. It divides Cox land in two locations. Ms. Cox said it is a diagonal segregation of historic family property. Ms. Cox is in support of the County Road 88 alignment. Commissioner Shaheen asked Ms. Cox to point to the area she's talking about. Ms. Cox went to the map and pointed out her property line.

Robert Ganter, 6425 County Road 281, McKinney, stated he is also concerned about comments made about public input. Mr. Ganter stated the route for the yellow and orange lines would be impacting many more homeowners than the route for the green line. Mr. Ganter said he was frustrated because he thought this was decided and now we're rehashing it because it seems like something the City of McKinney wants.

Judge Self asked for further public comments. Hearing none, the Judge asked for comments from court members. Commissioner Shaheen said he liked the idea of breaking the public input between citizen input and the cities. He asked Mr. Barresi if that was doable to which Mr. Barresi replied it would be very easy to do. Commissioner Jaynes thanked everyone for coming out. He pointed out that about 70% of the outer loop has been taken off the regional master plan due to funding issues. The Commissioner feels with 70% of the outer loop being taken off the plan, this could turn out to be a six-lane thoroughfare. He doesn't see how it could toll viable from the DNT to 121 north.

Hearing no other comments, Judge Self thanked everyone for being here and for their patience during this long and arduous process. The court is posted for action but Judge Self noted the engineers have asked us to wait till they can present the court with the final input gathered from this meeting. Court members agreed. Judge Self concluded the hearing by saying the court will give certainty soon to the landowners. (Time: 7:09 p.m.)

Judge Self recessed Commissioners Court at 7:09 p.m. and reconvened the meeting at 7:19 p.m. The meeting was then recessed into the meeting of the Health Care Foundation.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self stated item 4f3 would be held at the request of Sheriff Box. He then asked for comments on the consent agenda. Commissioner Webb pulled FYI items 2a and 2b and items 4b1, 4c3, 4d1, and 4f4 from the consent agenda. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 7:21 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

a. **AI-33602** Disbursements for the period ending May 10, 2011, Auditor.

COURT ORDER NO. 2011-310-05-16

b. Change Order(s):

1. **AI-33606** No. 11 to Construction: Collin County Courthouse Addition (IFB No. 11067-11) with Turner Construction Company to add various Pricing Change orders to the contract for a credit of $50,793 and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

Commissioner Webb said this is a light fixture issue; it was drawn incorrectly and when they started to install them, they had to pull all the fixtures out. The problem is when we get this credit of $50,000, we're not getting full credit. The subs will keep some money on the back side. Commissioner Webb stated he was irritated. Judge Self agreed with Commissioner Webb. He asked whose original mistake this was. Bill Burke, Construction Manager, said this was the mechanical electrical engineers' mistake. Judge Self said why are we bearing the cost on it? Mr. Burke replied we have to make it right with the contractor according to his pricing because our contract was with him. We can go back and speak to the electrical engineer about his mistake and anything that we feel needs to be done. Judge Self asked if we can withhold payment. Mr. Burke said yes, there is a possibility of withholding some but at this point the majority of the fees have been paid. Commissioner Webb said this has been going on every month since he's been on court. Although it's a credit, he probably has an extra $10,000 or $20,000 on the back side. Commissioner Webb made a motion to approve. (Time: 7:34 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-311-05-16

c. Ratification of the County Judge's prior approval:

1. AI-33636 Change the start date for a Misdemeanor Prosecutor position, Human Resources.

COURT ORDER NO. 2011-312-05-16

2. AI-33611 Termination of the contract for On-site Grinding/Mulching and Removal of Debris (IFB No. 08363-10) with Big Bird Tree Services, Public Works.

COURT ORDER NO. 2011-313-05-16

3. AI-33610 Grant exemption from the competitive bid process per V.T.C.A. LGC 262.024 (a)(2) an item necessary to preserve or protect the public health or safety of the residents of the county; for grinding/mulching and removal of debris services, Public Works.

Commissioner Webb said a few weeks ago we approved Big Bird Tree Services to do this grinding and mulching. He asked why we were now trying to revoke the contract. Frank Ybarbo, Purchasing Agent, came forward. He said this contract was awarded back in October, at the beginning of the fiscal year. It's been going on up until this point. The supplier has not responded according to contract terms appropriately so we issued a 30-day cancellation clause. Judge Self said Jon Kleinheksel, Public Works Director, came to him and said the contractor has not been responding and doing the job. Because of storms, we had things that we had to get done. Mr. Ybarbo went out and got quick bids to get the work done now and we will have a longer time to replace the contractor. Mr. Ybarbo said we keep a contractor in bid until we can get a bid out and awarded. The maximum time is 120 days or until we can get the bid awarded. Commissioner Webb made a motion to approve. (Time: 7:36 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-314-05-16

d. Budget adjustment(s)/amendment(s):

1. AI-33443 $7,400 to establish a budget for weekly drug court staffing lunches and funding to pay a contract defense attorney, 366th District Court.

Commissioner Webb stated he pulled this because he wanted to find out where we stood in talking with the various drug courts. He said it was his understanding that the money that is going into this fund is coming from several different sources but the expenditures will benefit only one specific drug court. He wondered where we were on reaching an agreement with all the different drug courts to see if they were on board with this. Monika Arris, Budget, stated she

has had conversations with each of the drug court judges individually. Currently there is not consensus on this particular item. Commissioner Williams stated she is not prepared to support this item until the three drug courts do reach a consensus on this item. Commissioner Webb agreed. Commissioner Shaheen said he is struggling with it also even though it is funded by fees. Randall Rice, Auditor's Office, said there is an issue. Some of these bills are from February. The vendors said they will not send anything more to Collin County until these bills get paid. Ms. Arris said the unpaid amount is $877.24. Judge Self stated he asked Ms. Arris to take the funds from the particular judge either out his education and travel budget or his office supplies budget until we can get this worked out. The vendors need to be paid. Commissioner Williams said she finds it frustrating to find out something has been taking place before it comes to the court's attention. Judge Self asked Ms. Arris to handle the $877.24. (Time: 7:40 p.m.)

HELD

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

1. AI-33589 April 25, 2011.

COURT ORDER NO. 2011-315-05-16

f. Miscellaneous

1. AI-33612 Adoption of the amended Collin County Historical Commission By-Laws, Commissioners Court.

COURT ORDER NO. 2011-316-05-16

2. AI-33558 Agreement in Principle Candidates for FY2011, Auditor.

COURT ORDER NO. 2011-317-05-16

3 AI-33578 Grant exemption from the competitive bid process per V.T.C.A. LGC 262.024 (a)(8)(d) for an item of food; for all food purchases made for the detention facilities, Sheriff.

HELD

4. AI-33642 Memorandum of Understanding with the DHS/DOD (Department of Homeland Security/Department of Defense) for a gratis demonstration of Tormenta biometric equipment and program and further authorize the County Judge to finalize and execute same, Sheriff.

Commissioner Webb said in last week's court there was an item related to facial recognition and now this week there is an item about fingerprint recognition. They're both test runs with no cost to the county at this moment. He asked if these are competing technologies. Why are we looking at two different systems?

Kelly Stone, Homeland Security, said what the court approved last week is a facial recognition system which started a few months ago to evaluate a vendor. Today's request is a government pilot project with the Department of Defense and the Department of Homeland Security to participate in an exercise using biometrics with having access to three data bases that state and local law enforcement does not currently have access to. This is a situation where they're offering to deploy biometrics devices on the street where the officers on the street can access this data from the three different data bases as well as our local fingerprint identification system. Commissioner Shaheen said the back-up talked about mobile fingerprint reading devices. Does this also do facial recognition? Mr. Stone said they have a system which runs all of this called the Automated Biometric Identification System. What is unique about this program is this is only focusing on a two-week exercise for fingerprints. For people being booked into the jail, those data bases can be used to check those fingerprints and officers in the field will have biometric devices which can check fingerprints in the field. Mr. Stone said one is a government project and the other is evaluating a vendor. Judge Self said one of the big differences here is this one gives us access to very extensive criminal data bases. Commissioner Shaheen asked how this works. When does an officer have a right to use this technology? Mr. Stone said if an officer has probable cause to detain someone, if you're not sure who this person is, this is an opportunity to check them against other data bases. It's a benefit to having it mobile. The officer in the field can know who the person is so it gets into a potential officer safety issue. Mr. Stone said it is at the discretion of the officer how they want to use it. Commissioner Jaynes said it would be helpful if someone doesn't have I.D.

Commissioner Webb said after this two-week period, what should we expect? Mr. Stone said it's not to ask the county for money. This program is a federally mandated program from Homeland Security Presidential Directive 24 that mandates that the federal government look at ways to share information with state and local law enforcement. This gives us an opportunity to determine if this is something the officers will use. Commissioner Webb stated there's an expectation that the DOD will possibly fund this with a grant. Following discussion, Commissioner Webb made a motion to approve. (Time: 7:49 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-318-05-16

5. AI-33622 Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-319-05-16

GENERAL DISCUSSION

5. AI-33575 Consideration and take action on an order of the Commissioners Court of Collin County, Texas, authorizing the issuance and sale of Collin County, Texas, Unlimited Tax Road Bonds, Series 2011, in the aggregate principal amount of $28,490,000; approving the official statement; levying a tax and providing for the security for and payment of said bonds; and enacting other provisions relating to the subject, Budget.

Following approval of the consent agenda, Judge Self moved to General Discussion items 5 and 6 and stated they would be heard together. Following presentation and discussion noted below, Judge Self said we need two votes, one on item number 5 and one on item number 6 and we need to specify in these votes who we are approving. Commissioner Jaynes made a motion on item number five, for $28,490,000 in unlimited tax road bonds, to approve Raymond James and Associates at 3.585%. Commissioner Shaheen said he's glad for the City of Plano that they have dollars that go to both thoroughfare rehabilitation and intersection improvements. (Time: 7:27 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-320-05-16

6. AI-33576 Consideration and take action on an order of the Commissioners Court of Collin County, Texas, authorizing the issuance and sale of Collin County, Texas, Limited Tax Permanent Improvement Bonds, Series 2011, in the aggregate principal amount of $2,100,000; approving the official statement; levying a tax and providing for the security for and payment of said bonds; and enacting other provisions relating to the subject, Budget.

Judge Self asked David Medanich from First Southwest to come forward for the presentation on items number 5 and 6. Mr. Medanich presented court members with a handout. He stated Collin County maintains a triple A rating with both Moody's and Standard and Poor. Mr. Medanich quickly went through the handout. He stated we are at a very favorable time in the market; the rates have gone up in the past month or two. The county received 12 bids on the $28,490,000 and 7 bids on $2.1 million. The winning bid on the $28,490,000 went to Raymond James and Associates at 3.585%. The winning bid on the $2.1 million went to Citigroup at 3.63%. The difference in the interest rate is the size of the issue. Commissioner Jaynes asked Mr. Medanich for a layman's definition for Unlimited Tax Road Bonds and Limited Tax Permanent Improvement Bonds. Mr. Medanich said the unlimited tax has an unlimited tax associated with it; it can be levied up to whatever is required. The limited tax is .80. Commissioner Jaynes noted taxes would not be raised.

Mr. Medanich answered questions from court members. Bill Bilyeu, Administrative Services, said the $2.1 million is for open space and the $28,490,000 is for roads.

Commissioner Webb made a motion to accept the offer from Citigroup Global Markets Inc. to purchase the $2.1 million of limited tax permanent improvement bond series 2011. Commissioner Shaheen voted no. He said because of the uncertainty of the economy he would rather put off the issuance of these bonds. (Time: 7:27 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Voted no: Commissioner Matt Shaheen
Vote: 4 - 1 Passed

COURT ORDER NO. 2011-321-05-16

7. RTC monthly update, Commissioners, Precinct 4.

Commissioner Webb presented the court with an update. He attended the RTC meeting last week as an alternate. There was a discussion that there may be some Prop 12 funds that come out of legislation. Commissioner Webb spoke about how the proposed allocation might be used. Discussion followed among court members. Judge Self asked if the court wanted to put together a general resolution to send to the RTC. Commissioner Jaynes suggested meeting with them a little more first. He is meeting later in the week with Commissioner Webb and Ruben Delgado about projects and they will bring recommendations back to the court. Commissioner Jaynes also wants to visit with Denton County. (Time: 7:56 p.m.)

NO ACTION TAKEN

8. AI-33625 Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

9. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion and any action of legislative priorities.

Bill Bilyeu, Administrative Services, said information had been forwarded to court members earlier. Press reports are saying SB 420 did have its first vote in the House and passed successfully. Bills that weren't moving are seeing a second life as amendments to other bills. They're almost impossible to keep track of. Commissioner Jaynes said the Slaughterhouse Bill passed and he thanked Representative Laubenberg for her hard work on that. Commissioner Williams asked Mr. Bilyeu when the court can get an idea on legislation that will possibly adversely impact us. Mr. Bilyeu said TAC (Texas Association of Counties) and

CUC (Conference of Urban Counties) are very good about sending out an updated list at the end of the session. (Time: 8:00 p.m.)

NO ACTION TAKEN

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

EXECUTIVE SESSION

There being no reason to recess into Executive Session and no further business of the Court, Judge Self adjourned the meeting at 8:00 p.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

COMMISSIONERS COURT COLLIN COUNTY TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S