

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 5, 2011

On Monday, December 5, 2011, the Commissioners' Court of Collin County, Texas, met in Regular Session in the Brazos Room of the Tom Muehlenbeck Center, 5801 West Parker Road, City of Plano, 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.

1. Judge Self thanked the City of Plano for hosting the meeting and called to order the meeting of the **Collin County Commissioners' Court** at 6:00 p.m.

2. Public Comments. Judge Self informed the audience that public comments would be heard under general discussion.

3. Presentation/Recognition. Judge Self read aloud a proclamation signed by the Commissioners' Court stating December 7, 2011, would be Pearl Harbor Remembrance Day in Collin County. As a result, county flags will be flown half mast.

4. Consent agenda to approve. Judge Self pulled item 4e2 for a correction and then asked for comments on the consent agenda. Commissioner Webb pulled the payment to Schindler Elevator under disbursements. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 7:49 p.m.)

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

a. **AI-34578** Disbursements for the period ending November 29, 2011, Auditor.

Commissioner Webb pulled one item from the disbursements in order to step down from the vote on a check to Schindler Elevator; all disbursements with the exception of Schindler Elevator were approved with the consent agenda vote. (Time: 7:49 p.m.)

COURT ORDER NO. 2011-948-12-05

A motion was made to approve the disbursement to Schindler Elevator.

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Matt Shaheen

Vote: 4 – 0 Passed

Abstained: Commissioner Duncan Webb

COURT ORDER NO. 2011-949-12-05

b. **AI-34575** Tax refunds totaling \$64,701.37, Tax Assessor Collector.

COURT ORDER NO. 2011-950-12-05

c. **Agreement(s):**

1. **AI-34577** Acceptance of the FY2011 Homeland Security Grant Program (HSGP) Urban Area Security Initiative Program (UASI) grant funds with the Texas Department of Public Safety in the amount of \$332,313.26 and further authorize the County Judge to finalize and execute the Sub-Recipient Agreement, Homeland Security.

COURT ORDER NO. 2011-951-12-05

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

1. **AI-34563** \$16,850 to include all of the scope for the exterior dog walk for the Animal Shelter Meet and Greet Room, Construction & Projects.

COURT ORDER NO. 2011-952-12-05

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

1. **AI-34540** November 7, 2011.

COURT ORDER NO. 2011-953-12-05

2. **AI-34570** November 14, 2011.

Judge Self made a motion that verbiage in the minutes be corrected to read: "lack of funding for the I-35 project was discussed". (Time: 7:49 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2011-954-12-05

3. **AI-34573** November 16, 2011, Canvass Election Special Session.

COURT ORDER NO. 2011-955-12-05

f. Miscellaneous

1. **AI-34586** Waive the 60 day public hearing notice requirement for the proposed expansion of the Frisco TIRZ (Tax Increment Reinvestment Zone) No. 1, Administrative Services.

COURT ORDER NO. 2011-956-12-05

2. **AI-34558** Amend the FY2012 Fee Schedule, County Clerk.

COURT ORDER NO. 2011-957-12-05

3. **AI-34565** Utilization of the BuyBoard cooperative contract for the purchase of a Gradall XL3100 in the net amount of \$284,029.05, which includes a trade-in allowance of \$35,000 for CC Unit No. 39985, Public Works.

COURT ORDER NO. 2011-958-12-05

4. **AI-34591** Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-959-12-05

5. **AI-34592** Personnel Changes, Human Resources.

COURT ORDER NO. 2011-960-12-05

GENERAL DISCUSSION

5. **AI-34543** Adoption of Collin County "50/3" Chapter 381 Program for Economic Development, Administrative Services.

Bill Bilyeu, County Administrator, came forward to address this item. Chapter 381 of the Texas Local Government Code has been chosen to provide an efficient means of providing county incentives for local economic development. The 50/3 program will provide a 50% refund for each of the first three years that an eligible business is in operation. To be eligible, a business must employ five full-time employees, have a taxable value of not less than \$100,000, and must have paid their annual property taxes. The program was adopted by the Commissioners' Court on October 10, 2011. Mr. Bilyeu included input from various cities in the court packets. The question for the Court was whether they wanted to consolidate the addendums or approve individual addendums for each city. The cities of Murphy, Prosper, Allen and McKinney reviewed the 381 program and returned resolutions and letters.

Mr. Bilyeu explained that handling the requests on a case by case basis would be onerous on staff. Commissioner Shaheen asked if the onus could be placed on the applicant. The Commissioner would like to honor input from cities and businesses. Judge Self added this is a tax break for all new businesses. Discussion followed between Mr. Bilyeu and Court members on the issue of consolidation or individual consideration.

Brian Loughmiller, Mayor of McKinney, came forward. He had questions concerning properties within TIRZ zones and their inability to participate in the 50/3 abatement policy. He gave the example of the airport being in a TIRZ zone. Only one project in the tax zone would get the benefit and that would be the construction of the road. If a business comes in near the airport and adds 200 jobs and they cannot participate, they are not getting the benefit in terms of an abatement as it relates to bringing jobs to Collin County. The City of McKinney is looking at abatements and other policies to bring new economic development to McKinney. Mayor Loughmiller wanted to ensure that Collin County would be competitive with Dallas and Tarrant Counties. Judge Self noted the 50/3 program is for smaller companies. Discussion continued on the qualifications, standards and preferences.

Roy Serpa, Fairview, was the next to speak. Mr. Serpa preceded his comments by saying he worked in economic development for Harris County. He was involved in administration of a state program. He cautioned the Court that unless they are prepared to monitor and administrate this program, he suggested voting against it. Mr. Serpa said to pass an abatement sounds great; however, there should be a focus on keeping the jobs we have. As a taxpayer he wants to see a commercial development plan for the county and he wanted to know what staff person would be responsible for seeing that the program is administered properly. (Time: 6:27 p.m.)

Commissioner Williams stated she will vote for the 50/3 program but she added we don't have adequate administration in place to handle the level of abatements that would come in. She would be more comfortable if it was at a higher level. Commissioner Shaheen was comfortable with \$100,000 and with staff's ability to monitor it; however, Commissioner Webb was worried about the \$100,000 entry level versus half a million dollars and the administration burden. Following discussion, Commissioner Webb wanted to track how much administrative time and expense we are spending. Judge Self said there is a yearly review. Commissioner Williams said we could have 3,000 applicants but we're not adding any additional staff for that. Discussion continued with Commissioner Shaheen making a motion to adopt the 50/3 program. The Commissioner wanted to do whatever was easier for staff since they have to administrate the program. Mr. Bilyeu said his preference would be not to have an addendum for Murphy and Prosper.

Attorney Jim Shepherd offered input and answered questions from Court members. Judge Self made suggestions for updates to language in the policy. Commissioner Jaynes said we're sending a message that Collin County is open for business and he made a motion to approve. Commissioner Webb said he will not support this program because \$100,000 is too low. (Time: 6:46 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 4 – 1 Passed
Nay: Commissioner Duncan Webb

COURT ORDER NO. 2011-961-12-05

6. AI-34533 TIRZ Policy, Administrative Services.

Mr. Bilyeu said this is the same policy that has previously been proposed. There are no changes to it. There has been feedback from the cities of Richardson and Allen. There are three TIRZ out there that will be coming forward next year. Legally you must have a TIRZ policy in place before you adopt a TIRZ. Commissioner Webb said he is not comfortable with the current draft of the policy. Commissioner Williams said when you look at comments received from cities, many are valid and she thinks the Court needs to start from scratch and look at what's been presented from cities and look at statute. Commissioner Webb is looking at the interlocal agreements between Collin County and the cities. He wants policy set forth that states at a minimum what that agreement has to have in it. Following discussion, Commissioner Shaheen said if we're not going to make a decision tonight, we should have a meeting with a work plan where we get this all ironed out. Judge Self agreed we should do that as a committee as a whole. He asked Mr. Bilyeu to set up a workshop session and to invite the cities. (Time: 6:58 p.m.)

NO ACTION TAKEN

7. AI-34504 Collin County Adventure Camp Annual Update, Administrative Services.

Mr. Bilyeu introduced Neal Rosenbaum, Executive Director of Collin County Adventure Camp (CCAC). Mr. Rosenbaum was present for the camp's annual update. He had a power point presentation highlighting the camp's current adventures. This past year the camp's outdoor education program served 7,800 students from Collin County schools and over 18,500 different people came through their facility. Students from 13 of the County's 14 school districts came to CCAC for different programs. Additionally CCAC worked with the Westminister Fire Department for wildfire training this past spring. Despite of the economy, the camp has had a break even year in 2011. Mr. Rosenbaum said outdoor education will continue to be a main part of what they do but they will look to expand their conference and retreat programs. Mr. Rosenbaum answered questions from the Court. In conclusion, Mr. Bilyeu itemized capital improvement projects planned for the camp and stated there are opportunities for the County Commissioners to help improve their programs. (Time: 7:47 p.m.)

NO ACTION TAKEN

8. AI-34562 Burn Permit Fee, Commissioner, Precinct 3.

Commissioner Jaynes brought this item before the Court. Collin County had a burn permit fee of \$15 a year. Under the new policy the fee went up to \$30 per quarter. That's a significant increase. The Commissioner stated he has constituents who have several different pastures. Fire Marshal Mike Smith came forward. He said when they put this new fee schedule together back in June or July, the issue with the farmers, land management and cultivation was not brought to his attention. Farmers will be unique in his eyes. His proposal is for lands that are designated for farmers. He's trying to control the one to two acres lots that have burns that are more than five feet high and ten feet in diameter. Volunteer fire departments will save money if they can verify that there is a legal permit rather than just going out to check on open burning. The Fire

Marshal had a power point presentation which started with the requirements for an operational permit. The permit fee, which hadn't increased in eight years, is \$30, but the applicant can send a written request to the Fire Marshal's office ten business days prior to the expiration date and they will be granted a 90-day extension at no fee. His office received complaints from people that bought a permit but could not use it due to the burn ban. The Fire Marshal said their time can be flipped around.

Claude Frazier of McKinney came forward to speak. He's the caretaker for 270 acres of land in Collin County that's been in his family for 154 years. Burning brush and downed trees is necessary for pasture maintenance. He thought the increase was outrageous. Mr. Frazier stated it's not right to charge a fee to burn brush on ag land. The six counties that surround Collin County do not charge a fee for ag land burn use; four of those six counties do not require burn permits. After talking to the Fire Marshal Mr. Frazier said he can understand why it is an advantage to the county to have a permit because then they know where people are if fires get out of control. He respectfully asked the Court to eliminate any fees for burn permits for ag land use. (Time: 7:16 p.m.)

The Fire Marshal's plans for 2012 are:

- make the applications available online so the customers can complete the burn permit applications online
- make it possible for the customer to pay for applicable permits online
- make it possible for the applicant to print their own permits without having to drive into McKinney

Following discussion, Commissioner Webb said he is okay with doing something for agricultural purposes on ag land. Commissioner Jaynes made a motion for no fee on pasture or agricultural land as long as it can be defined. Commissioner Webb seconded as long as it's for agricultural purposes. (Time: 7:27 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

COURT ORDER NO. 2011-962-12-05

9. AI-34538 Letter to legislators regarding NorthStar funding, County Judge.

Judge Self led this discussion. He said the sense of the Court last time was that we take a very hard line on this; therefore, Mr. Bilyeu drafted the letter that is the subject of this discussion. The letter was requesting that Collin County be permitted to withdraw from the NorthStar program. Since then the state has reinstated \$5 million in funding to NorthStar but that is still a very low level of funding. The Judge stated, for all its faults, NorthStar gives treatment at some level to our citizens. Some of our providers are concerned that we may have no money from the state. The Judge referred to the Phase Three Report prepared by the UNT Health Science Center, saying it had a

halfway measure that the County has not followed up on, which is to form a better method of providing services within Collin County, within NorthStar. The Judge noted our judges have been very helpful with moving mental health inmates through the judicial system faster. Judge Self thinks we need to move back to the Phase Three Report in terms of improving services in Collin County. Commissioner Williams agreed with Judge Self.

Bill Baumbach, Wylie, came forward. He was present as a result of the letter, so he was glad to hear what the Court said. Mr. Baumbach went to a meeting of the Behavior and Health Authority and he feels there is room for fixing the organization. He said we need the legislature's help but the solution is not to secede from it and go play lone wolf. His question to Judge Self is what about these other counties? He asked if the other counties could be forming an alliance so they can speak with one voice to help the legislature and the Authority reform itself or do we have to go alone and try to fix it and make it look like we're complaining that we're not being treated fairly? The Judge replied there is frustration on the NTBHA (North Texas Behavioral Health Authority) board due to funding from the state. (Time: 7:33 p.m.)

NO ACTION TAKEN

10. Board/Committee Appointments, Commissioners Court:

- a. **AI-34594** Re-nomination of Pat Hatchell to serve as a member on the Regional Aging Advisory Committee (RAAC). (Time: 7:47 p.m.)

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

COURT ORDER NO. 2011-963-12-05

- b. **AI-34567** Historical Commission.

Commissioner Jaynes re-appointed Diane Miller and Paula Ross to the Historical Commission. (Time: 7:47 p.m.)

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

- c. **AI-34568** LifePath Systems Board.

Commissioner Jaynes re-appointed Doug Kowalski to the LifePath Systems Board.
(Time: 7:47 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 – 0 Passed

d. AI-34569 Parks Foundation Advisory Board.

Commissioner Jaynes re-appointed Colleen Egan to the Parks Foundation Advisory Board. (Time: 7:47 p.m.)

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

COURT ORDER NO. 2011-964-12-05

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

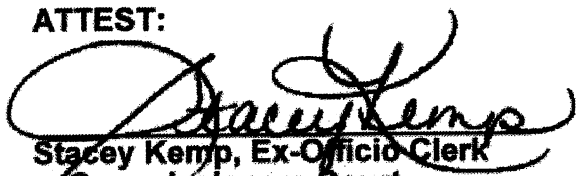
Commissioner Webb wanted a discussion of the NTTA's plans to expand their board and Judge Self wanted to discuss a nomination for the Bail Bond Board on a future agenda. (Time: 7:49 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 7:49 p.m.



ATTEST:



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



Keith Self, County Judge



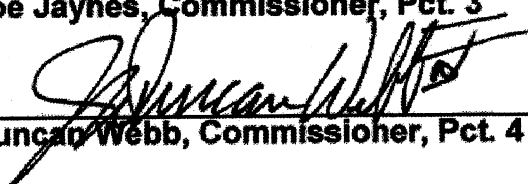
Matt Shaheen, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

Not Present

Joe Jaynes, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4