

STATE OF TEXAS  
COUNTY OF COLLIN

COMMISSIONERS' COURT  
MEETING MINUTES  
NOVEMBER 18, 2013

On Monday, November 18, 2013, 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:

Judge Keith Self  
Commissioner Matt Shaheen, Precinct 1  
Commissioner Cheryl Williams, Precinct 2  
Commissioner Chris Hill, Precinct 3  
Commissioner Duncan Webb, Precinct 4

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

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:31 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:57 p.m. and adjourned the meeting at 2:57 p.m.

#### FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.

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

a. AI-37597 \$12,043 for the JJAEP Texas Education Agency (TEA) funding for the purchase of Smart Boards.

b. AI-37619 \$19,518 to establish the budget for the 2013 Justice Assistance Grant.

2. Public Comments. Comments were heard under General Discussion item 10.

**3. Presentation/Recognition:**

**a. Service Pins, Human Resources.**

Greg Willis, District Attorney, presented Kelly Ludy, Juvenile Law, with a service pin in recognition of 15 years of service. (Time: 1:34 p.m.)

**4. Consent agenda to approve:** Judge Self deleted items 4e1 and 4f1 and then asked for comments on the remainder of the consent agenda. Commissioner Webb pulled item fc1 for discussion. A motion was made to approve the remainder of the consent agenda. (Time: 2:54 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 5 – 0 Passed

**a. AI-37658 Disbursements for the period ending November 12, 2013, Auditor.**

**COURT ORDER NO. 2013-959-11-18**

**b. AI-37645 Tax refunds totaling \$246,841.21, Tax Assessor Collector.**

**COURT ORDER NO. 2013-960-11-18**

**c. Agreement(s):**

**1. AI-37664 Interlocal Agreement with LifePath for quarterly installment payments of \$189,781.25 (totaling \$759,125 for FY2014) and further authorize the County Judge to finalize and execute same, Budget.**

Commissioner Webb pulled this item due to concerns on an agreement with LifePath that does not contain a provision of insurance. The County is paying LifePath \$759,000 for services. The agreement should have a baseline on certain types of insurance in place. The Commissioner proposes using the existing agreement with LifePath related to indigent defense. This will set parameters to ensure that suitable insurance is in place. Michalyn Rains, Purchasing, stated that she would work with Risk Management to complete the funding agreement. (Time: 2:57 p.m.)

**HELD**

**2. AI-37635 Intergovernmental Cooperative Reimbursement Contract (Contract No. 582-14-40119) with the Texas Commission on Environmental Quality (TCEQ) for the Local Initiative Project (LIP) Program and further authorize the County Judge to finalize and execute same, Special Projects.**

**COURT ORDER NO. 2013-961-11-18**

**d. Amendment(s):**

1. **AI-37644** No. 7 to the Interlocal Agreement with the Town of Fairview for Animal Control Services to set the rate and extend the agreement for one (1) year through and including September 30, 2014. Payment will be made in quarterly installments for an annual amount of \$34,274, further authorize the Purchasing Agent to finalize and execute same, Development Services.

**COURT ORDER NO. 2013-962-11-18**

2. **AI-37642** No. 7 to the Interlocal Agreement with the City of Farmersville for Facility Construction and use of the Animal Shelter to set the rate for FY2014, payments to be made in quarterly installments for an annual amount of \$10,188 effective October 1, 2013 through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

**COURT ORDER NO. 2013-963-11-18**

3. **AI-37643** No. 7 to the Interlocal Agreement with the Town of Fairview for Facility Construction and use of the Animal Shelter to set the rate for FY2014, payments to be made in quarterly installments for an annual amount of \$27,675 effective October 1, 2013 through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

**COURT ORDER NO. 2013-964-11-18**

**e. Receive and File, Auditor:**

1. **AI-37637** Monthly Financial Report for September 2013.

**PULLED**

**f. Miscellaneous**

1. **AI-37641** Acceptance of the Texas Indigent Defense Commission/OCA Grant for Indigent Defense Workshop travel expenses (NTE \$1,800), 296th District Court.

**HELD**

2. **AI-37665** Resolution supporting the construction improvements of FM 2514 (Parker Road) from FM 2551 to Lavon Parkway (Bond Project No. 99-00-17), Engineering.

**COURT ORDER NO. 2013-965-11-18**

3. **AI-37656** Abandonment of a portion of Piccadilly Ave. dedicated, undeveloped right of-way within the Westminster Original Donation Plat, Public Works.

**COURT ORDER NO. 2013-966-11-18**

4. **AI-37683** Personnel Appointments, Human Resources.

**COURT ORDER NO. 2013-967-11-18**

**5. AI-37684 Personnel Changes, Human Resources.**

**COURT ORDER NO. 2013-968-11-18**

**GENERAL DISCUSSION**

**Presentation, discussion and any action regarding:**

**5. AI-37663 KCS (Kansas City Southern Railway Co) Intermodal Facility Update, Engineering.**

Warren Erdman, KCS Executive Vice President of Administration and Corporate Affairs, came forward to present the update on the Intermodal Facility Project for Wylie. Today in transportation the most efficient means of moving materials is through intermodalism. Intermodalism is where a container is taken from a railcar or a ship and then put on a truck for the most efficient mode for the long haul, saving the short delivery distance for the end. Containerism is the direction the economy is going in North America. It is environmentally friendly and captures the efficiency of the rail for the long haul and limits the truck move for the short haul. The size of the proposed facility in Wylie will be similar to the size of the facility in Fort Bend County, Texas. The Wylie facility will have parking, lighting, and will be completely secured and monitored 24/7 with a modern gate complex.

Lee Peek, KCS Track Projects Director, addressed the concerns for the Intermodal Facility proposed for Wylie. An intermodal facility loads trailers onto trains and moves the trains out as well as loads trailers off of the trains onto trucks to service local communities. The first phase of the Wylie project will cost \$55 million. This phase will consist of two unloading tracks one mile long, 2,500 parking spaces and a gatehouse complex coming off of State Highway 78 into the facility. The gatehouse complex will be manned 24 hours a day and will be the only access in and out for truck traffic. The facility will be located between the existing classification yard and the future industrial park.

Issues included traffic, lighting and noise. KCS met with the county and city engineering staffs regarding traffic and it was suggested that the entrance come off of State Highway 78. KCS purchased more property along Spring Creek Parkway to redesign the gatehouse to come off of Highway 78. This will include a signalized intersection with both acceleration and deceleration lanes. This total complex added \$3 million to the project.

Current traffic for eastbound and westbound lanes of State Highway 78 is 45,400 vehicles per day and 2,495 of those vehicles are during peak hours. The facility will add a 3% increase in traffic for a 24-hour period in this area by adding 1,287 truck trips in and out of the facility. Out of the 1,287, there are 130 trips planned for the 39 facility employees. Most KCS traffic will be between 6:00 a.m. and 6:00 p.m. with the majority after morning rush hour.

Another area of concern was the thoroughfare and railway overpasses for Spring Creek Parkway. KCS has worked with the consulting engineer to move utilities away from where the overpasses, bridges, piers and retaining walls will be located to avoid interference and complete the overpass in a timely manner. Traffic origination for the Wylie facility will be coming from Ft. Worth and southeast Dallas. Truck routes will be primarily State Highway 78 and State Highway 190 into Wylie and the secondary route will be State Highway 205.

Commissioner Shaheen asked why KCS is moving facilities. Mr. Peek explained that they have outgrown the current facility and cannot increase capacity.

Mr. Peek addressed the lighting and noise concerns. Light towers will be installed that shine directly down on the facility, containing the light only on the property. It is anticipated that there will be no significant increase to the existing noise levels at this location. The facility will be shielded on the north with the existing classification yard and on the south by the future industrial park.

In conclusion, the construction schedule for phase one will begin in February 2014 and be complete in the third quarter of 2015. KCS Wylie will strictly be a container transfer facility, loading onto trains and offloading to trucks to service the surrounding communities.

Commissioner Williams thanked the representatives from KCS on the presentation of the Wylie project. This will be an important facility and the Court appreciates the time KCS put in with the city and county. Commissioner Williams hopes that KCS will stay engaged with the Council of Governments in the study of future traffic needs and corridor needs that may arise. (Time 1:58 p.m.)

**NO ACTION TAKEN**

**6. AI-37687 North Texas Groundwater Conservation District update, County Judge.**

Eddy Daniel, Board Member of the North Texas Groundwater Conservation District (NTGCD), updated the Court. The district was created by an act of legislation in 2009 because the Texas Commission on Environmental Quality declared this area a priority groundwater management area, meaning there are challenges with area groundwater. Cook County, Denton County and Collin County joined together into a joint venture with the NTGCD. Each of these county governments loaned the NTGCD \$300,000 over a two-year period to fund operations. These were zero-interest loans and NTGCD has begun repaying the counties this year. The plan is to repay a lump sum in the following year.

This district, along with three other districts, has joined together to update the groundwater availability model of the aquifers that serve the area. Aquifers included are the Trinity Aquifer and the Woodbine Aquifer. The districts are currently updating the availability model with a consultant and expect to have the study complete next year. By statute, the study will be used to look 50 years into the future for each district and identify how much groundwater will be available and what procedures will be needed to ensure the availability of said water.

Judge Self asked what is the percentage of groundwater used by Collin County. Mr. Daniel explained the groundwater use in Collin County is 10%.

The adopted budget for 2014 is approximately \$600,000. Over one-fourth will be used to repay loans and another fourth is for the groundwater availability study.

Judge Self asked when the loan to the County is due to be fully paid. Mr. Daniel said that the loan is to be fully paid by 2017. (Time 2:08 p.m.)

**NO ACTION TAKEN**

## **7. Use of Discretionary Bond Funds, Engineering:**

Judge Self stated the County has \$15 million in the discretionary fund not committed to any bond projects. The Court will decide if the following items will be approved for the use of the discretionary funds.

a. **AI-37631** City of McKinney for Stone Bridge Drive from US 380 to just North of Wilson Creek.

Ruben Delgado, Engineering, spoke before the Court. The City of McKinney is requesting Collin County to allocate a portion of the discretionary fund savings to help build the bridge over Wilson Creek. The City of McKinney proposes the use of developer funds derived from the development of that area and \$1.8 million from the County to fund the bridge. This project meets the criteria for fund matching. The local agreement will state that the bridge and road will be in place at the same time.

Commissioner Shaheen questioned how the County's participation of \$1.8 million is derived out of the \$6 million total to build the bridge. Mr. Delgado explained that the \$1.8 million is an estimate based on the amount of water flowing through that area and height, length and width of the six-lane bridge.

There was a brief discussion on the County's future responsibilities of major highways and interstates in Collin County. The County discretionary fund needs to follow the County budget funds to fund major highway expenditures in the future. (Time: 2:17 p.m.)

**NO ACTION TAKEN**

**b. AI-37614 City of Richardson for Major Thoroughfare Rehabilitation.**

Mr. Delgado remained before the Court to discuss the Richardson project. Renner Road is a major road in Collin County. It was part of an old bond project the County participated in with the City of Richardson. The growth in that area increased the traffic on the road; therefore, the City is asking Collin County to participate in the rehabilitation project of Renner Road. This is similar to the \$10.5 million previously approved by the Court for the bond project that included Plano Parkway, Park Boulevard and Parker Road.

There was a lengthy discussion on the ranking system of the individual projects. It was recommended that the Court needs to look at all projects as a whole and prioritize them to determine the best use of the discretionary funds.

Judge Self asked for a motion. Hearing none, the items were held. (Time: 2:29 p.m.)

**NO ACTION TAKEN**

**8. AI-37690 North Central Texas Council of Governments' Criminal Justice Policy Development Committee (CJPDC), County Judge.**

Eric Nishimoto, Chairman of CJPDC, was invited to come forward. Mr. Nishimoto encouraged the Court to make nominations to the CJPDC. Currently Collin County holds four committee positions. As of January 2014 Collin County will have two more positions open for a total of six committee positions. The total committee is made up of 50 individuals. Nominations can be submitted through December 9, 2013. CJPDC is asking for nominations of private citizens, municipal staff, non-profit staff or county staff.

There are two important functions the CJPDC serves for the Council of Governments (COG). One function is reviewing and scoring each application for grant funding. The Criminal Justice Division at the state level distributes state and federal funds to the local COGs. In turn CJPDC scores the applications and makes recommendations to the COG executive board for grant fund distribution. The second function of the CJPDC is determining policies and procedures to distribute grant funds.

Commissioner Shaheen served on CJPDC and recommended that an individual from the Sheriff's Office be nominated because the grants are law enforcement related. Judge Self said that several County departments could be excellent representatives on the committee. Mr. Nishimoto pointed out that the committee is short on representatives from the areas of mental health, substance abuse and education. Mr. Nishimoto asked the Court members individually to encourage individuals or department members to apply to serve on the CJPDC. The recommendation and nominations do not have to come from the Court directly. Applications will be reviewed by the CJPDC Board and committee positions will be filled by appointment. (Time: 2:36 p.m.)

**NO ACTION TAKEN**

**9. AI-33858 RTC monthly update, Commissioner, Precinct 4.**

Commissioner Webb presented the RTC (Regional Transportation Council) monthly update. A point of interest is an RTC public meeting invitation on November 19, 2013 for all the independent school districts. This meeting gives the opportunity for the independent school districts and RTC to work together on transportation.

The opportunity is in mobility. There is no coordination with the school districts; schools are put on major arteries which results in slowing down traffic. The hope is in the interest of coordination, to alleviate traffic by putting schools on alternative roads.

Another item of interest was the State Highway 360 partnership. TxDOT offered a \$300 million loan to accelerate the construction of Highway 360 South at the Green Oaks intersection. This road will become a toll road, so the discussion was on the issue of who will backstop the repayment of the loan if there is a shortage. The proposal to the RTC was that the West side backstops the funds versus the East side. This will come up for action on December 5, 2013. Commissioner Webb noted these are formula funds.

The item regarding collection risk of the managed toll lanes in relation to Interstate 35 West and Interstate 30 connector was also discussed. It was decided that toll rates should be raised to cover the collection risk so that the RTC is not involved.

The last item of interest was the transportation development credit. A website will be up in the next few months on how to apply and access credits.

There will be two meetings in December: a special called meeting will be held on December 5, 2013, and another on December 12, 2013.

Judge Self asked if any action has been taken to put the outer loop back on the map. Commissioner Williams and Commissioner Webb confirmed yes. The portion of the loop in Collin County that is on the east side of the lake down to State Highway 30 has been put back on the map. (Time: 2:44 p.m.)

**NO ACTION TAKEN**

**10. AI-37698 County Employee Retirement System Actuarial Study, Administrative Services.**

Bill Bileyu, County Administrator, came forward. The direction of the Court was to have an actuary contracted and in place to have a response by December 2, 2013. They were unable to obtain an actuary who understands the Texas County and District Retirement System (TCDRS) configuration in the given time frame. The last Court available to act on TCDRS is December 9, 2013.



Commissioner Hill likes Commissioner Webb's plan which was recommended in the last Court. The Commissioner feels there is not a need for an actuarial study with said plan. If the Court moves in a direction other than what was considered, an actuary is not needed to make a decision.

Commissioner Williams agreed with Commissioner Hill, yet feels that if the Court continues with the 457(b) actuarial studies are necessary to make an intelligent decision.

TCDRS has agreed to look at Commissioner Webb's plan for a ten-year period and will have information back to the County this week or next. Stochastic modeling will be used to forecast the next ten years based on projected high and low market conditions.

Judge Self stated that without an actuary in place, Commissioner Webb's plan is the only plan available to the Court. The Court is in agreement to postpone an actuarial study until they hear from TCDRS. (Time: 2:49 p.m.)

Roy Serpa, Fairview, came forward to comment. Four years ago the County pension was underfunded. Mr. Serpa was pleased when the Court allocated \$50 million of taxpayer money to meet the underfunding obligations. Mr. Serpa shares the concerns of elected officers as well as the concerns of the Court for the risk put on the taxpayer moving forward. Salary and compensation need to be shown as a whole when discussing the issue. As far as bonuses and options, one needs to be careful when discussing this matter as bonuses are not common in the private sector. Mr. Serpa believes that specifics are in order to make informed decisions regarding retirement, not a broad look at comparisons of surrounding areas. Mr. Serpa complimented Commissioner Webb for his proposal and hopes the Court moves in that direction. (Time: 2:53 p.m.)

**NO ACTION TAKEN**

**11. AI-35285 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.**

**NO ACTION TAKEN**

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

Commissioner Webb would like to look at the indigent defense costs for the last three or four years and discuss a possible change of direction. (Time: 2:54 p.m.)

**EXECUTIVE SESSION**

Judge Self recessed the meeting into Executive Session at 2:57 p.m. in accordance with Paragraph 551.087 of the Local Government Code, Economic Development Negotiations.

**Economic Development Negotiations (551.087)**

**AI-37640** FedEx Office and Print Services, Inc. tax abatement, Budget.

**NO ACTION TAKEN**

Judge Self reconvened the meeting at 3:09 p.m. There being no further business of the Court, Judge Self adjourned the meeting at 3:09 p.m.



Keith Self, County Judge

Mark Reid, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

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