

PANHANDLE REGIONAL PLANNING COMMISSION

BOARD OF DIRECTORS

Minutes

April 30, 2009

The regular meeting of the Board of Directors of the Panhandle Regional Planning Commission was held on Thursday, April 30, 2009, at 1:30 p.m. in the PRPC Board Room, 415 South West Eighth Avenue, Amarillo, Potter County, Texas.

Councilwoman Zelda Lang, Vice-Chair, presided.

MEMBERS PRESENT:

- Mr. Tom Bailiff, Greenbelt Municipal & Industrial Water Authority
- Vernon Cook, Roberts County Judge
- Bob Gober, North Rolling Plains RC&D
- Ronnie Gordon, Hartley County Judge
- Jack Hall, Donley County Judge
- Mark Irwin, Mayor, City of Gruver
- John James, Collingsworth County Judge
- Harold Keeter, Swisher County Judge
- Zelda Lang, Councilwoman, City of Dalhart
- Debra McCartt, Mayor, City of Amarillo
- Gene Parker, Randall County Commissioner
- Harvey Perez, Hart
- Tom Simons, Deaf Smith County Judge
- Tom Velasquez, Wheeler
- Arthur Ware, Potter County Judge

MEMBERS ABSENT:

- Don Allred, Oldham County Judge
- Juan Cantu, Lipscomb County Commissioner
- Pete DeSantiago, Perryton
- David Hale, Mayor, City of Perryton
- David Logan, Commissioner, City of Canyon
- Jay Mayden, Childress County Judge
- Wayne Nance, Briscoe County Judge
- Martha Rincon, Commissioner, City of Hereford
- Tresa Whaley, Vega

OTHERS PRESENT: Mr. Paul Simpson, U.S. Representative Mac Thornberry's Office; Ms. Jennifer Foster, Senator Robert Duncan's Office; Patrick McCarty; Brent Dennis

STAFF PRESENT: Ms. Cindy Boone, Finance Director; Mr. Sean Hardman, Regional Services Assistant Director; Mr. John Kiehl, Regional Services Director; Ms. Elizabeth True, Regional Services Program Specialist; Mr. Chuck Rivas, Economic Development Program Specialist; Mr. Scott Caldwell, Local Government Services Program Coordinator; Ms. Rebecca Rusk, Executive Assistant; Mr. Gary Pitner, Executive Director

1. **CALL TO ORDER**

Councilwoman Zelda Lang, Vice-Chair, called the meeting to order and noted that a quorum was present.

2. **INVOCATION**

Judge Vernon Cook gave the invocation.

3. **MINUTES**

Judge Tom Simons moved to approve the minutes from the meeting held on March 31, 2009, as received. Judge Arthur Ware seconded the motion; the motion carried by unanimous vote.

4. **VOUCHERS**

Judge Harold Keeter moved to approve the vouchers for the month of March, 2009. Judge Jack Hall seconded the motion; the motion carried by unanimous vote.

5. **PRPC BOARD MEMBER RECOGNITION**

Vice Chair Lang presented a plaque to Mark Irwin, Mayor, City of Gruver in recognition of his service on the PRPC Board of Directors.

6. **PRPC INVESTMENT FUNDS QUARTERLY REPORT**

Ms. Cindy Boone, CPA, stated that pursuant to the Public Funds Investment Act, which was passed by the Texas Legislature in 1987 and amended in 1995 and 1997, PRPC adopted written investment policies on August 23, 1996 for funds under our control. In accordance with this Act, the investment officer of PRPC, which is the Finance Director, is required to submit to the Board of Directors a quarterly report of investment transactions. Ms. Boone presented the report for the period of January 1 through March 31, 2009.

Mr. Bob Gober moved to accept the report as presented. Judge Vernon Cook seconded the motion; the motion carried by unanimous vote.

7. **NATIONAL ASSOCIATION OF REGIONAL COUNCILS DUES**

Mr. Gary Pitner reminded the Board that the PRPC has traditionally been active members in both the Texas Association of Regional Councils and the National Association of Regional Councils (NARC). Membership in these associations has benefited the Planning Commission by allowing both Board Members and Staff to meet with peers, to share ideas and discuss common problems.

In addition to conducting workshops and conferences, the National Association serves as a voice in Washington D.C. for our region as well as other regions across the nation. The National Association also provides the Planning Commission with a great deal of information in the form of newsletters, etc. which allows our staff to remain up-to-date on programs and issues which affect the Panhandle.

The Planning Commission has been billed for 2009-2010 National Association of Regional Councils dues. The total dues for 2009-2010 are \$5,000.

Judge John James moved to approve payment of FY10 Planning Commission dues to the National Association of Regional Councils. Mayor Debra McCartt seconded the motion; the motion carried by unanimous vote.

8. **TEXAS CAPITAL FUND PROJECT MANAGEMENT SERVICES INTERLOCAL CONTRACT**

Mr. Chuck Rivas stated that the City of Dimmitt applied for a Texas Capital Fund - Downtown Revitalization Program grant in July 2008 to demolish and reconstruct sidewalks and improve handicap access in the downtown area. The grant also provides for lighting enhancements in the same area. In November 2008, the City of Dimmitt received a \$150,000 grant from the Texas Capital Fund to make these improvements to downtown Dimmitt. The grant program requires matching funds to be expended by the locality in the amount of \$17,500 for this project.

Mr. Rivas reviewed a proposed interlocal contract with the Board for the Planning Commission to provide grant project management services for this project as requested by the City of Dimmitt. The proposed contract is valued at \$12,800 and is for the duration of the grant.

Mr. Tom Velasquez moved to authorize the Executive Director to execute an interlocal cooperation contract with the City of Dimmitt for the Planning Commission to provide Texas Capital Fund Downtown Revitalization project management services. Judge Tom Simons seconded the motion; the motion carried by unanimous vote.

9. COMMUNITY DEVELOPMENT SMALL TOWN ENVIRONMENTAL PROGRAM PROJECT MANAGEMENT SERVICES INTERLOCAL CONTRACT

Mr. Scott Caldwell stated that the City of Stinnett was awarded a 2008 Small Town Environmental Program (STEP) grant through the Office of Rural Community Affairs (ORCA) Community Development (CD) program. The STEP contract between the City of Stinnett and ORCA commenced on August 17, 2008 and will terminate on August 16, 2010. The funds from the grant will improve water service in the Carter Edition of the City of Stinnett as volunteers will replace undersized and dilapidated water lines with approximately 6,540 LF of 2", 6", and 8" PVC water lines; 170 LF of boring encasement; 25 meters and meter cans; and 11 fire hydrants, road repair, and all other necessary appurtenances. These activities will benefit 42 persons, of which 33, or 78%, are of low to moderate income.

The City of Stinnett has requested that the PRPC perform all the functions associated with the general administration of this project and have agreed to pay the allocated amount of \$22,653.

Commissioner Gene Parker moved to authorize the Executive Director to execute an interlocal cooperation contract with the City of Stinnett for the Planning Commission to provide Texas Community Development Program Small Town Environmental Program (STEP) project management services. Mayor Debra McCartt seconded the motion; the motion carried by unanimous vote.

10. FY10 REGIONAL CRIMINAL JUSTICE PROGRAM PRIORITIZATION APPROVAL

Mr. Sean Hardman reminded the Board that the Criminal Justice Division (CJD), Office of the Governor, administers federal and state funding to local, regional and statewide criminal justice-related projects. CJD's goals are to support programs that protect people from crime, reduce the number of crimes committed, and promote accountability, efficiency, and effectiveness in the criminal justice system. CJD focuses resources on projects that enhance Texas' capacity to prevent crime, provide service and treatment options, enforce laws, train staff and volunteers, and serve crime victims.

The Criminal Justice Advisory Committee (CJAC) is a committee created by the PRPC Board for the sole purpose of overseeing the operation of the Panhandle CJD Criminal Justice Grant Programs. Annually, the CJAC meets to review and prioritize the region's CJD grant applications. One of the CJAC's responsibilities is to create priority lists to submit to the PRPC Board for regional approval for all grants requesting CJD funding. Once approved, the lists are forwarded to CJD, where final funding decisions will be made based upon the region's priorities, eligibility, reasonableness, availability of funding, and cost effectiveness.

The CJAC evaluates the applications based upon a well-defined criterion that was developed prior to the start of the FY10 grant(s) competition. This selection criterion was part of the CJAC operating procedures approved by the PRPC Board in December 2008.

On April 24th, the CJAC met to review and prioritize the FY10 State Fund 421, Safe and Drug Free Schools and Communities (SDFSC), and the Juvenile Justice Delinquency Prevention Act (JJDP) grant applications that were submitted in the region. Mr. Hardman presented the CJAC's recommendations as follows:

FY10 SDFSC Applicants	Averaged Ranking	Prioritized Ranking	Funds Requested	Purpose of Grant
Panhandle PD	3.22	1	\$ 25,600.00	School Resource Officer
Vega I.S.D	3.95	2.5	\$ 10,000.00	Access control doors for school
City of Fritch	3.95	2.5	\$ 8,150.00	Drug dog and related supplies/equipment
Highland Park I.S.D.	5.32	4	\$ 18,000.00	Student drug testing program
Amarillo PD	5.70	5	\$ 20,000.00	Officer for drug testing program

Booker I.S.D.	5.77	6	\$ 10,000.00	Security cameras & related equipment
City of Borger - Continuation (Middle School)	6.27	7.5	\$ 25,600.00	School Resource Officer
City of Borger - New (High School)	6.27	7.5	\$ 32,000.00	School Resource Officer (new)
City of Stinnett	7.05	9	\$ 14,576.00	School Resource Officer
Pampa I.S.D	7.82	10	\$ 5,000.00	Online educational substance abuse program
Boys Ranch I.S.D.	8.77	11	\$ 48,370.00	Teen Leadership Program

FY10 JJDP Applicants	Averaged Ranking	Prioritized Ranking	Funds Requested	Purpose of Grant
Panhandle Regional Planning Commission	1.00	1	\$ 60,176.73	Contract with Juvenile Probation Departments

FY10 Fund 421 Applicants	Averaged Ranking	Prioritized Ranking	Funds Requested	Purpose of Grant
Panhandle Regional Planning Commission	1.18	1	\$ 98,052.00	Contract with Amarillo College
Panhandle Crisis Center	3.45	2	\$ 2,737.00	Crisis Counseling Program
Collingsworth County Sheriff's Office	3.50	3	\$ 7,202.14	6 Mobile & 6 Handheld radios
Randall County	4.18	4	\$ 50,000.00	30 Mobile Data Terminals
City of Canyon	4.73	5	\$ 19,913.50	5 digital in-car video cameras
Hemphill County	4.95	6	\$ 97,500.00	COPsync program & related equipment
City of Booker	6.00	7	\$ 12,043.19	Misc. equipment

Judge Ronnie Gordon moved to approve the priorities for area FY10 criminal justice projects submitted under the Safe and Drug Free Schools and Community Act Fund, the Texas Criminal Justice (421) Fund and the Juvenile Justice and Delinquency Prevention Act Fund as recommended by the Regional Criminal Justice Advisory Committee. Judge Arthur Ware seconded the motion; the motion carried by unanimous vote.

11. CRIMINAL JUSTICE PROGRAM PLANNING AND ADMINISTRATIVE SERVICES GRANT ACCEPTANCE RESOLUTION

Mr. Sean Hardman informed the Board that the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

As a result of the 2009 American Recovery and Reinvestment Act, the State of Texas has been allocated \$147 million under the JAG program for the upcoming grant year. \$57 million (40%) will be administered directly by the Bureau of Justice Assistance (BJA) to local jurisdictions in Texas. The remaining \$90 million (60%) will be administered by the Criminal Justice Division of the Governor's Office (CJD), as the State Administrative Agency for the JAG Program in Texas. Of the \$90 million, \$40 million will be allocated among the Council of Governments in the State in order to fund projects at the local level.

The total amount of regionally allocated funding available to the Panhandle region is \$1,033,125.97. The PRPC will be responsible for its regular duties for CJD funding opportunities, such as: to notify potential applicants that funds are available, to conduct a grant workshop and to prioritize the applications. However, there will be new responsibilities that will be required of the COGs that are normally done at the State level by CJD:

- 1) Ensure projects recommended are neither supplanting nor duplicating activities or efforts,
- 2) Perform preliminary grant reviews in eGrants and provide technical assistance to ensure eligibility and seasonableness of the project, and
- 3) Conduct monitoring and technical assistance visits with grantees as delegated by CJD's Grants Monitoring Unit.

Due to the increased workload that comes along with the increased responsibilities, the CJD will award a grant to each COG for administrative purposes. The PRPC will receive \$75,756.07 in administrative grant dollars to perform all of the tasks required relating to the 2009 American Recovery and Reinvestment Act JAG program.

Judge Harold Keeter moved to approve a resolution accepting a grant from the Office of the Governor, Criminal Justice Division for funds to support the Planning Commission's provision of planning and administrative services related to Justice Assistance Grant funds allocated to the Panhandle under the American Recovery and Reinvestment Act. Judge Vernon Cook seconded the motion; the motion carried by unanimous vote.

12. CRIMINAL JUSTICE ADVISORY COMMITTEE FY10 GRANT PROGRAM OPERATING PROCEDURE AMENDMENTS

Mr. Sean Hardman stated that the Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The Criminal Justice Division of the Governor's Office (CJD), as the State Administrative Agency for the JAG Program in Texas, has chosen to distribute stimulus act funded Justice Assistance Grants to local jurisdictions via a system of regional funding allocations. These regional allocations will be in addition to the direct allocations being made to local jurisdictions that qualify for funding based on their share of the total violent crime reported in the state. In a typical year, the Panhandle Criminal Justice Advisory Committee (CJAC), is not tasked with the evaluation and prioritization of JAG funding requests. For 2009, the CJAC is being tasked with evaluating and prioritizing the funding requests that will be made under the regional JAG allocation being made to the Panhandle. The total amount of regionally allocated funding available to the Panhandle under the 2009 Stimulus Act JAG Program is \$1,033,125.97.

Because of the additional role that will be placed on the CJAC as a result of the regional allocations, the FY10 CJAC Grant Program Operating Procedures must be amended. At their meeting on April 24th the CJAC reviewed and approved amendments to their operating procedures. Mr. Hardman reviewed the amendments with the Board. They primarily consisted of a description of the program, application procedures, eligibility requirements and the scoring and prioritization process that will be conducted by the CJAC. The CJAC will utilize the same process used to evaluate and prioritize the region's 2009 Stimulus Act JAG Program applications as are being used by the CJAC to evaluate and prioritize the other CJD-administered regional grant program applications.

Judge Tom Simons moved to approve the amendments to the Planning Commission's Criminal Justice Advisory Committee FY10 Grant Program Operating Procedures in order to accommodate Justice Assistance Grant funds being made available to the Panhandle under the American Recovery & Reinvestment Act. Judge Vernon Cook seconded the motion; the motion carried by unanimous vote.

13. REGIONAL RECYCLABLE MATERIALS MARKETING CONTRACT RENEWAL

Ms. Elizabeth True stated that for the past ten years, the PRPC has contracted with Cooperative Teamwork Recycling Assistance (CTRA) to successfully market, transport and sell recyclables from Panhandle Environmental Partnership (PEP) communities to material buyers across the nation. The CTRA is a non-profit organization created specifically for the purpose of promoting viable recycling opportunities across Texas through the development and maintenance of recycling market gateways. By recycling under the CTRA umbrella, the rural communities of the Panhandle are able to receive the benefits of collective market negotiations that involve many other cities and counties around the State.

In a dynamic and sometimes volatile market, CTRA is able to collectively negotiate for material floor prices, which recently allowed our PEP communities to receive proceeds above the recycle market price. Secondly, CTRA's fee is based on a percentage of the sales (10%) rather than a set price; therefore, the fee comes into play only when a PEP community is being paid for materials sold.

Under the contract the PRPC, through its PEP communities, agrees to collect and store recyclables in a centralized location within their community. Once a full load (approximately 40,000 lbs) has been collected, PEP communities contact PRPC staff who then contacts CTRA directly to request a pick-up. Should a load ever generate a negative balance due to market prices or "short loads", the PRPC is responsible for remaining transportation costs, which would be rendered from the current FY08/09 Solid Waste Implementation COG Managed Grant awarded to PRPC.

Respectively, the CTRA contractual obligations include marketing negotiations with recycle contractors and transporters for floor prices, monthly sale prices, supplies (e.g., Gaylord boxes and pallets) and transportation costs. Once PRPC staff transmits a pick-up request, all transport scheduling and sale logistics are handled through CTRA. Payment is then rendered to the PEP community within 45 days of the date of sale.

Judge Jack Hall moved to authorize the Executive Director to execute a contract renewal with the Cooperative Teamwork Recycling Assistance for the marketing of recyclable materials from the Panhandle area. Judge Ronnie Gordon seconded the motion; the motion carried by unanimous vote.

14. HAZARD MITIGATION GRANT PROGRAM APPLICATION RESOLUTION

Mr. John Kiehl stated that last September, having discussed the possibility of doing so with the region's emergency managers, the PRPC submitted a Notice of Interest (NOI) to the Governors' Division of Emergency Management (GDEM) for funding to develop a regional public alerting and notification system. The goal of this project, as described in the NOI, is to provide public alerting capabilities universally across the Panhandle.

Typically, after an NOI is submitted to GDEM, the agency will respond with a letter that reads that the project is either "likely" or "unlikely" to be funded. If a "likely" letter is received, that triggers the development of a full-blown project application. If the reply is "unlikely" then in effect, it's pointless to submit a follow-up application.

However, in this case, the PRPC did not receive either type of letter. When PRPC staff called to check on the status of the NOI we discovered that a "likely" letter had been issued and that it had been sent about a month before we made the call. We also learned with that call that the follow-up application had to be submitted by April 10. We placed that call on March 27.

The PRPC's NOI had been submitted under the GDEM's Hazard Mitigation Grant Program (HMGP). The HMGP is a 75/25 matching grant program and is funded with federal disaster funds. Every time a federally-declared disaster occurs in Texas, 20% of the federal funds received go into and then back out of the HMGP.

Projects involving technology, such as that needed for a regional public alerting system are classified as "Initiative Projects". Only 5% of the federal funds received off any disaster can be used to support initiative projects. So, in order to fund a large initiative

project, like the one proposed in the PRPC's NOI, the State has to be affected by a very large disaster. That large-scale disaster came last year in the form of Hurricane Ike (aka, DR-1791). Hopefully, Texas won't experience another disaster of that magnitude any time soon. But then again, the next opportunity to fund a large initiative project under the HMGP would not roll around until it does.

Not wishing to miss a rare opportunity, PRPC staff pulled together an application for the system and submitted it to GDEM by the April 10 deadline. The way the proposal was written, everything is contingent upon decisions yet to be made. For example, PRPC staff will work with the region's emergency managers to identify the make/model of alerting system best suited to the needs of the Panhandle. So the decision on the type of system to be used has been deferred. Regarding the match, it was presumed for the purpose of the application that the 25% match would be proportionately shared by those jurisdictions who voluntarily decide to participate in the project. However, those decisions can't be made final until after the system is identified and a total cost is established for the project. So although the application requested \$640,000 against a local match of \$160,000, there are multiple points at which the plug can be pulled on the project, without penalty to the PRPC.

Nevertheless, the application still needs to be approved by the Board to make the document official. A resolution, which if approved by the Board, will officially authorize PRPC staff to pursue the HMGP funding for a regional public alerting and notification system.

Judge Ronnie Gordon moved to pass a resolution authorizing the Planning Commission's submittal of a grant application to the Governor's Division of Emergency Management for Hazard Mitigation Grant Program funds. Judge Vernon Cook seconded the motion; the motion carried by unanimous vote.

15. PRPC BUILDING RENOVATION PROJECT CHANGE ORDER

Mr. Gary Pitner stated that original plans called for a separate bidding process for the emergency electrical power generator/installation portion of our building renovation project. An Invitation for Bids was issued on April 3, 2009 with bids due on April 21, 2009. However, during the bid invitation period, the electrical engineer and exterior site improvement architect determined that the space dedicated for the generator in the original site improvement plan (under the overhang on the south side of the building) was inadequate. It therefore became necessary to cancel the bidding process which was underway for the generator in order for an alternative generator location to be identified and for plans to be modified accordingly. The modified plan calls for the generator to be located in the south parking lot adjacent to the existing Xcel Energy service poles near the alley.

Mr. Pitner recommended the following change orders to the Cruz Construction, Inc. contract in order to address the relocation of the power generator and other site improvement modifications:

Relocate generator to parking lot – add concrete, granite tile labor, pipe bollards, additional landscaping, site work and patch, additional masonry and paint; and electrical to new generator location -- \$30,780.00 (contract change order #2)

Flag Pole and Light -- \$4,495.00 (contract change order #1)

Southwest corner modifications regarding ramp grade issues -- \$7,682.00 (contract change order #3)

Change in fixture type for retaining wall lights -- \$733.00 (contract change order #4)

Mr. Harvey Perez moved to approve the above noted change orders in the Cruz Construction, Inc. contract. Judge Ronnie Gordon seconded the motion; the motion carried by unanimous vote.

16. PROJECT REVIEW AND COMMENT

Mr. Sean Hardman presented the applications for the Cities of Amarillo, Borger, Bovina, Dimmitt, Stinnett, Sunray and Tulia and the Counties of Carson, Dallam, Hartley and Randall. All of these entities have applied for funding from the U.S. Department of Justice under the COPS Hiring Recovery Program.

Mr. Harvey Perez moved to support the applications with the following comment:

"For the past several years, many of the law enforcement agencies in the Panhandle region have found it more and more difficult to find and hire qualified officers; thus several are understaffed and are in need of additional officers to better patrol the area in which they serve. The eleven entities that have applied for CHRP funds this year are among those that are experiencing this problem. The opportunity to use these grant dollars to help these departments make their communities a safer place to live by increasing staff, would prove to be invaluable to them and the Panhandle region as a whole. It is for that reason that the PRPC Board of Directors supports these applications and highly recommends of them for funding."

Judge Vernon Cook seconded the motion; the motion carried by unanimous vote.

17. MISCELLANEOUS NON-ACTION INFORMATION ITEMS

- A. Mr. Gary Pitner reported to the Board that Mr. Saul Hernandez was elected to the PRPC Board on April 23, 2009.
- B. Mr. Gary Pitner reported on the status of proposed action related to regional councils currently being considered by the Texas Legislature.
- C. Mr. Gary Pitner reported on the recent and upcoming Planning Commission sponsored regional meetings.

18. ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 2:50 p.m.



Jay Mayden, Chairman
Panhandle Regional Planning Commission
Board of Directors

ATTEST:



Wayne Nance, Secretary/Treasurer
Panhandle Regional Planning Commission
Board of Directors