COURT ORDER NO. 2011- 353 -06-06

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
MAY 9, 2011

On Monday, May 9, 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 Shaheen led the Invocation.
Commissioner Williams led the Pledge of Allegiance.
Commissioner Jaynes led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the **Collin County Commissioners' Court** at 1:32 p.m. and recessed into the **Collin County Health Care Foundation** at 2:41 p.m.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 2:41 p.m. and adjourned the meeting at 2:44 p.m.

Judge Self reconvened the meeting of the **Collin County Commissioners' Court** at 2:44 p.m.

FYI NOTIFICATION

1. AI-33562 Budget amendment(s)/adjustment(s) totaling $17,400 (over $5,000 per c/o 2005-589-08-01), Budget.

Commissioner Shaheen stated the Court voted on this last year and wanted to encourage the employees to participate in the wellness exam program. They noticed a low number of employees receiving wellness exams and saw the downstream effects increasing the medical costs. In 2009 there were approximately 400 employees that received wellness exams and last year there were approximately 1000. Commissioner Shaheen stated the program is having the effect they were looking for. (Time: 2:46 p.m.)

2. Public Comments.

3. Presentation/Recognition:

a. Presentation of Service Pins for the month of May, Human Resources.

Jon Kleinheksel, Public Works, came forward to present service pins to four Road and Bridge employees. (Time: 1:44 p.m.)

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4a and d1 for discussion and Judge Self pulled item f4. Commissioner Shaheen pulled item FYI1. Commissioner Williams made a motion to approve the remainder of the consent agenda. (Time: 2:45 p.m.)

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

a. AI-33581 Disbursements for the period ending May 3, 2011, Auditor.

Commissioner Webb stated there was a check to Schindler Elevator he wanted separated from the remainder of the disbursements. Commissioner Webb made a motion to approve the remaining disbursements. (Time: 2:46 p.m.)

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

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Commissioner Shaheen made a motion to approve the disbursement for Schindler Elevator. (Time: 2:47 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Abstained: Commissioner Duncan Webb
Vote: 4 – 0 Passed

COURT ORDER NO. 2011-291-05-09

b. AI-33557 Tax refunds totaling $340,716.95, Tax Assessor Collector.

COURT ORDER NO. 2011-292-05-09

c. Advertisement(s):

1. AI-33559 Construction, Bridge: County Road 408 over Bomars Branch (IFB No. 04169-11), Engineering.

COURT ORDER NO. 2011-293-05-09

d. Agreement(s):

1. AI-33553 Face Examiner Workstation & Multi-Modal ABIS System pilot program offered by L-1 Identity Solutions for six months with no cost to Collin County and further authorize the Purchasing Agent to finalize and execute same, Homeland Security.

Commissioner Webb stated he does not completely understand what they are trying to achieve with the six-month pilot program and he wanted to know how they will fund the program if they decide to keep it. Kelly Stone, Homeland Security, came forward and stated they are trying to determine how efficient a program like this would be in Collin County. Mr. Stone said there have been instances where a still photo or video have shown people who have committed a crime and they could use these photos in a database to identify the criminal. He stated other agencies across the country have used this technology with great success. He said for now they would have one workstation to conduct the searches and later on could implement other cities that would like to participate. The system would be used by Criminal Investigations in the Sheriff's Department and other agencies could bring a photo to run against all the photos already in the Collin County system. Commissioner Webb asked if other police departments have this technology and Mr. Stone said no. Commissioner Webb stated he has no problem with the pilot program but he is concerned with the cost. As the program grows, it appears to be more expensive. Judge Self stated he did not see an output analysis. He would like to see what Mr. Stone's measurement criteria would be to consider the program effective enough to request, such as how many people they identified after six months. Commissioner Shaheen asked if the photos in the database would be book-in photos of the people who have come through the County Jail. Mr. Stone said yes. Mr. Stone said the more entities they have providing images, the more effective the system would be. Commissioner Webb made a motion to approve. (Time: 2:56 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-294-05-09

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

1. AI-33563 April 18, 2011.

COURT ORDER NO. 2011-295-05-09

f. Miscellaneous

1. AI-33615 Letter agreement with Jones Lang LaSalle Brokerage, Inc. to propose a specific piece of real property in Frisco, TX to the County, Administrative Services.

COURT ORDER NO. 2011-296-05-09

2. AI-33567 Retention of two (2) Push Mowers (Unit No. 47362 and 43602) for Road and Bridge to use in the CSCD Program, Public Works.

COURT ORDER NO. 2011-297-05-09

3. AI-33566 Acceptance of a $9,000 trade-in for a 2007 Harley Davidson Police FLHP Road King Motorcycle (Unit No. 48069) toward the purchase of a replacement 2011 Harley Davidson Police FLHP Road King Motorcycle with American Eagle Harley Davidson in Corinth, Texas, Public Works.

COURT ORDER NO. 2011-298-05-09

4. AI-33579 Trade-in nine (9) NC-47 Traffic Counters toward the purchase of nine (9) replacement NC-200 Traffic Counters in accordance with V.T.C.A. LGC 263.152, Public Works.

Judge Self asked Jon Kleinheksel, Public Works, to come forward. Judge Self asked if it was worthwhile to be spending $11,000 while only getting $900 on the trade-in of the traffic counters. Mr. Kleinheksel recommended they use the suggested company because he feels they will not get a better price. Frank Ybarbo, Purchasing, stated they held a competitive bid. Commissioner Shaheen said he noticed in the paperwork the old counters were breaking down and asked how long they last. Mr. Kleinheksel said the old ones lasted approximately 15 years. The old ones were placed above the road and people were cutting them. The new ones will be placed below the road. Judge Self made a motion approve. (Time: 2:57 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-299-05-09

5. AI-33598 Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-300-05-09

6. AI-33599 Personnel Changes, Human Resources.

COURT ORDER NO. 2011-301-05-09

GENERAL DISCUSSION

5. AI-33216 Public Hearing – Application for Junkyards, Automotive Wrecking and Salvage Yards located at 5476 Business Highway 78, Nevada, Texas, Fire Marshal.

Michael Smith, Fire Marshal, came forward and said he would be available for questions during the public hearing regarding the application for junkyards, automotive wrecking and salvage yards. Commissioner Williams asked Fire Marshal Smith what their findings were at their most recent visit to the property. Mr. Smith stated he went to the property with David Toler, Inspector. He noted the property owners have made some strides towards correcting the number of deficiencies but they are far from completing

everything needed for the nuisance abatement, including getting ready for the permit. Commissioner Shaheen asked what the nuisances were. Fire Marshal Smith said there are tires, furniture, trees and household goods in the creek. He stated they have unlabeled drums on the property and evidence of hydrocarbon oil spillage on the ground. Fire Marshal Smith said the property owners are over their thirty days but Deputy Toler is allowing them more time to correct the issues under the abatement. Commissioner Shaheen asked what the distance is to the waterway. Misty Brown, Development Services, came forward and stated with the location there is no way they will meet the requirements of the court order because of the tributary on the property that runs directly into Lake Lavon. Ms. Brown said the tributary on the back of the property is very deep and the walls are lined with garbage. Commissioner Jaynes pointed out regardless of the decision there will still be major clean-up on this property.

Judge Self opened the public hearing at 1:50 p.m. and asked if anyone had any public comments.

Dewey Hargrove, Copeville, came forward and stated he is the property owner and has recently sold the property to David Marquez, who was also at the stand. Mr. Hargrove said the property has been a salvage yard since before he purchased it in 1987. He stated the person who owned the property behind his used to push vehicles and other trash into the creek on their side and he has cleaned up the creek numerous times. He said trash collects in the creek from being dumped upstream. Mr. Hargrove stated the railroad came through to do repairs and they used his property to store crossties. They left over 1000 crossties on his property after the repairs were finished. He stated he has hired people to clean the creek and has had fences put in to hide the view of the vehicles.

Mr. Marquez asked what the worst case scenario would be if the application was denied; could they still bring parts to the property and store them there. Judge Self said the Court would not be able to answer that question but would welcome a review of it.

Judge Self closed the public hearing at 1:53 p.m.

Commissioner Williams stated they are not given much control over land use, but when they are given the opportunity to review a permit, they have to look very seriously as to why. In this case it involves a watershed which is a public safety issue. She stated it is up to them to look at the integrity of Lake Lavon since it is a major water supply. Commissioner Williams made a motion to not approve the permit. Commissioner Jaynes agreed with the motion and asked Misty Brown to meet with the property owners to discuss storage options. Judge Self asked Michael Smith and Jon Kleinheksel, Public Works, to put the Environmental Team on this area because he feels it is very important. (Time: 1:55 p.m.)

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

COURT ORDER NO. 2011-302-05-09

6. <u>AI-33584</u> Presentation regarding the feasibility of purchasing road construction equipment, Public Works.

Jon Kleinheksel, Public Works, came forward to discuss the Collin County asphalt project and a request for new asphalt equipment. The equipment involves three new pieces including a Full Depth Reclaimer, Hot Mix Asphalt Paver and a Heavy Duty Vibratory Roller. The cost is approximately $900,000 to $1 million. He stated the equipment is needed due to the increase in traffic. Collin County currently maintains 762 miles of roadway.

Mr. Kleinheksel discussed the process of full depth reclamation and how the reclaimer works. The reclaimer rebuilds failed asphalt pavements by recycling the existing roads. He listed the benefits of reclamation and stated how efficient the process is, as well as the fact it is environmentally friendly because the materials are recycled with little or no dumping of waste. Commissioner Shaheen asked if they rebuild up to one mile of roadway per day currently. Mr. Kleinheksel said no, the process currently is different. The reclamation process would be in conjunction with the current process of building roads. Currently they use the reclamation process on 11 miles per year, but with the new equipment it could increase to approximately 35 miles for the first year. Commissioner Shaheen asked if they will be doing work on Farm to Market roads. Mr. Kleinheksel stated they are talking to TxDOT with the possibility of working on the FM roads.

Mr. Kleinheksel discussed the differences between the full depth reclamation process and the current road building method used as well as the cost and material difference. The current cost for reclamation averages $165,000 per mile. The estimated county cost per mile with the new equipment would be $42,964, therefore, potentially saving the county an estimated $1,464,432 per year. The current rental rate for the reclaimer is $20,000 per month. The equipment would pay for itself in 2.1 years.

Mr. Kleinheksel showed illustrations explaining the full depth reclamation process and described the supplemental equipment needed. Commissioner Webb asked if they anticipate reclaiming 35 miles annually, including the gravel roads now being paved, and the time it would take to maintain them. Mr. Kleinheksel said that is correct. Judge Self stated if they are saving $122,000 per mile with the new equipment and they do a minimum of 25 miles per year, that is a total savings of over $3 million dollars annually. Mr. Kleinheksel said this is true but the materials for this new process will cost more than the current process. However, the roads will last longer and will require less maintenance. They will use the savings to build better roads and they plan to pay for the equipment in two years. Commissioner Shaheen asked if they would be able to do this process every month. Mr. Kleinheksel said they can do the reclamation process with temperatures of 42 degrees or higher, which is at least 10 to 11 months per year. The current process cannot be performed unless it is 56 degrees or higher and they can only use it approximately six months out of the year. They have current staff that is trained to use the equipment and will require no additional people. Commissioner Shaheen asked

if there is an option to provide service to other counties or entities or will they be using the equipment full-time. Mr. Kleinheksel said there is a window of opportunity for them to help other communities. Commissioner Shaheen asked about transportation for the equipment and Mr. Kleinheksel said they have a trailer and truck equipped to move the equipment. He said it takes approximately half a day to move the equipment from location to location. Commissioner Williams stated Mr. Kleinheksel has been setting aside funding for this equipment. He said they had an auction of unutilized equipment and accrued approximately $675,000 which rolled into the Road and Bridge fund balance. Commissioner Webb made a motion to approve. (Time: 2:13 p.m.)

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

COURT ORDER NO. 2011-303-05-09

7. AI-33593 Grant application for the 2012 Indigent Defense Discretionary Grant Program in the amount of $124,024 (20% County match for the first year) from the Task Force of Indigent Defense and further authorize the County Judge to finalize and execute same, County Judge.

Jeff May, County Auditor, stated he would fill in for Judge Oldner on this issue since the Judge was unable to be present. Mr. May said this grant is to provide indigent attorneys for mentally ill defendants. In the previous Court they began a discussion with Judge Oldner as to how many beds these people needed. Judge Oldner later told Mr. May this grant is more for the people who are falling through the cracks and not so ill they need to be housed by the State but the ones who need medication or direction. Judge Self called Judge Weldon Copeland, Probate, to come forward. Judge Copeland stated the goal is to use this grant to try to move people through the system faster and reduce the jail population. He wonders if they should try to achieve this goal with a clerical position or use the resources already in place and possibly add to them. He suggested employing the auxiliary court judge and the Crimes Against Children judge who are there every week to see if they could work every Monday and identify all of the mentally ill people who have entered the jail and try to move their cases along by setting a trial or helping get them an attorney. Judge Copeland said he could not decide today to spend the money but he suggested asking for the money now and then either returning it or making the decision to use it.

Commissioner Shaheen stated he liked the approach of using resources already in place rather than bringing in another entity. He agreed they should look into using the auxiliary judge and existing staff to look over these types of cases. Commissioner Williams asked if the grant could be used to contract with someone with a psychological background who could identify the cases and do the follow up. Mr. May stated there is funding available for that purpose. Commissioner Webb stated it was his understanding this is for people who are in jail who need to immediately get someone appointed to determine if they are a harm to themselves or the community and do not have the

capacity to bond out. He stated he would like to see this grant be used to help these people. Judge Copeland said there are resources in place now for inmates where they can go to the infirmary and have someone evaluate them to see if they need help. Judge Self suggested they need to get a group together consisting of the Judges and the District Attorney to see how the system would work. Commissioner Shaheen made a motion to accept the grant application and create a team of the judiciaries involved including the Sheriff. (Time: 1:43 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-304-05-09

8. AI-33577 Creation of a Juvenile Case Manager Fund per the Texas Code of Criminal Procedure Section 102.0174 (c) and further authorize the Judge or Justice to waive the fee required by Subsection (c) in a case of financial hardship, Budget.

Monika Arris, Budget, came forward and stated as part of the FY2011 Fee Schedule that was adopted this year there was a new fee added to collect funds for a juvenile case manager position. The request is for authorization to create the fund so the Justices of the Peace and County Court at Law can collect the monies. The fund is under the direction of the Commissioners Court and can only be used for a Juvenile Case Manager who by statute is someone who works primarily on truancy cases. In the FY2012 budget they will suggest moving the Teen Court Coordinator out of the Administration Fund and into this fund. Commissioner Webb pointed out this fee was authorized in 2005 but they have never collected these fees. Ms. Arris stated it just came to their attention while working on the 2011 budget. Commissioner Williams said she feels they should be looking further into fees that have not been collected and there should be a system in place to keep track. Ms. Arris said the Law Library keeps track of legislation every year and they contact every department head and elected official asking for their current fees but sometimes they don't get a response. She said this year they plan to hold meetings and work with them to get this information. Commissioner Shaheen asked if anyone has looked at all the fines and fees and compared them to fund balances to see what the issue is. Jeff May, County Auditor, said they normally audit the fee schedule to make sure they are charging what they are supposed to but they don't have the staff to audit each department's fees individually. Ms. Arris stated they are very dependent on the department heads and elected officials to get them any changes they have made to their fee schedule. Commissioner Williams asked if this fee was adopted by this court. Ms. Arris stated the fee was added in 2011 but the fund has not been adopted. Ms. Arris said there is not a comprehensive list of all the fees allowed in the State of Texas. Mr. May said most of the fees vary from county to county. Randall Rice, Auditors Office, came forward and said they have asked other counties for a comprehensive list of fees by the state and are working with them on this issue. Commissioner Webb expressed his concern with finding a way to get the fee schedules

and charge what is needed. Commissioner Webb made a motion to approve. (Time: 2:24 p.m.)

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

COURT ORDER NO. 2011-305-05-09

9. AI-33592 Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

a. AI-33594 Texas Workforce Development Board.

Judge Self stated the Texas Workforce Development Board is a working board and the people are very happy with the three appointees. The appointees represent a certain sector of the economy. Commissioner Webb asked if the Court is satisfied with the appointees since he does not know them. Judge Self said he is satisfied. He said this Board is called the Texas Workforce Commission and the largest expense of the Board is childcare. Commissioner Williams made a motion to approve all three appointees. (Time: 2:26 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-306-05-09

10. Potential 82nd Legislative items, Commissioners Court:

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

Bill Bilyeu, Administrative Services, stated this week is the deadline for House Bills to get out of Committee. He said Bills number two, five, six, eight, ten and eleven from the list are still in Committee. Unless something happens with number two, he doesn't foresee it moving on. Mr. Bilyeu stated unless these Bills, with the exception of number eleven, get added onto a different Bill, they will not likely make it past the Committee. Commissioner Williams asked if number 13 was still in Committee and Mr. Bilyeu said yes. He said number 12 is out of the House and is in the Senate. Mr. Bilyeu asked Sharon Rowe, Elections, to come forward to discuss number 14. Ms. Rowe discussed legislative item number 14 which deals with protecting the rights of overseas voters as well as election date changes.

Ms. Rowe discussed the current election laws and stated if a school or city uses her services during their elections, then the voters would be required to go everywhere the County sent their voters during elections. This means a vote center would have to have representation from every precinct in the center along with another set of machines, extra workers and the voters would have to stand in two lines. She discussed the costs of the May elections regarding the schools and cities. She said she would like to see the

schools and cities change their term limits or election dates to join the county elections in November so the voters will not be confused and have to vote at two separate elections and locations. Commissioner Shaheen asked if they use the vote centers and the City of Plano had elections, could someone from McKinney vote. Ms. Rowe stated they could not, but a Plano resident could vote in McKinney but the City of Plano would have to supply staff and resources for the countywide vote centers. Judge Self asked if she heard anything regarding the Bill and she said she has heard they will leave the May dates in and the jurisdictions will need to choose to either change their terms or move to a November election. (Time: 2:41 p.m.)

NO ACTION TAKEN

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

Judge Self stated he asked the Ground Water Conservation District and the North Texas Municipal Water District to present a briefing on May 23rd. He also asked to put the open pod overtime as an agenda item. Judge Self asked Bill Bilyeu, Administrative Services, if they are bringing back audio in the probate courtroom and Mr. Bilyeu stated it was brought up in the previous court. (Time: 2:58 p.m.)

EXECUTIVE SESSION

Real Estate (551.072)

Judge Self recessed the Court into Executive Session under Section 551.072 of the Local Government Code, Real Estate, at 2:58 p.m. and reconvened at 3:13 p.m.

AI-33607 Condemnation proceedings to acquire right-of-way for the construction of FM 2551 (Murphy Road), Special Projects.

Judge Self asked if there was a motion on the condemnation proceedings regarding five separate parcels. Commissioner Williams made a motion to remove parcel 32 from the list. (Time: 3:14 p.m.)

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

COURT ORDER NO. 2011-307-05-09

AI-33617 Counter offers for the purchase of property required to widen FM 2551 (Murphy Road) from FM 544 North to FM 2514 (Parker Road), Special Projects.

Judge Self asked for a motion on the condemnation proceedings. Commissioner Jaynes made a motion to accept the counteroffer on parcel 24. (Time: 3:13 p.m.)

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

COURT ORDER NO. 2011-308-05-09

Commissioner Jaynes made a motion to accept the counteroffer on parcel 32. (Time: 3:14 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Voted Against: Commissioner Matt Shaheen
Vote: 4 – 1 Passed

COURT ORDER NO. 2011-309-05-09

There being no further business of the Court, Judge Self adjourned the meeting at 3:14 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

ATTEST:

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