

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
FEBRUARY 21, 2011

On Monday, February 21, 2011, the Commissioners' Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell 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

Judge Self led the Invocation.

Commissioner Shaheen led the Pledge of Allegiance.

Commissioner Williams led the Pledge of Allegiance to the Texas Flag.

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.

President Self called to order the meeting of the Collin County Health Care Foundation at 1:32 p.m. and adjourned the meeting at 1:34 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 1:34 p.m. and adjourned the meeting at 1:34 p.m.

Judge Self reconvened the meeting of the Collin County Commissioners' Court at 1:34 p.m. Judge Self welcomed Dallas County Clerk John Warren and staff who were present to observe Collin County's Commissioners' Court court technology.

FYI NOTIFICATION

1. AI-33275 GEM (Going the Extra Mile) Award Recipients.
2. Public Comments.
3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Commissioner Webb requested items 4b1, 4d1, 4e1, 4f1, 4f2, 4h1, 4h2, and 4h3 be pulled for discussion. Commissioner Shaheen requested items 4f3 and 4f4 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

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

a. **AI-33269** Disbursements for the period ending February 15, 2011, Auditor.

COURT ORER NO. 2011-096-02-21

b. Agreement(s):

1. **AI-33245** Interlocal Agreement with the City of Celina for Right-of-Way (ROW) Participation on SH 289 from North of FM 455 to North of FM 1461 (Bond Project No. 07-00-08), budget amendment in the amount of \$260,000 and further authorize the County Judge to finalize and execute same, Engineering.

Commissioner Webb asked how this agreement would impact the funding for the CR (County Road) 5 project since the \$260,000 being requested would be moved from that project to the Preston Road project. Tracy Homfeld, Engineering, came forward saying the City of Celina estimates the project to be \$11.3 million, the county's participation originally was just over \$5 million. The City of Celina had funding from the 1999 and 2003 bond programs which they reallocated to this project; that made their total allocation to the project approximately \$5.4 million. After reallocating the bond funds they will be under by approximately \$677,000. TxDOT (Texas Department of Transportation) cannot move forward with buying right of way until the city has participation in place. The City of Celina should get funds back from TxDOT which can be reapplied to the CR 5 project; there should not be a lack of funds for the project. In addition, they are doing a developer participation on CR 5 and will ask the City of Prosper for participation on the project.

Commissioner Webb asked if this would put the county in a situation of being in jeopardy of funding Preston Road and then two years later when the county is ready for CR 5 being told they would have to fund the full amount. Ms. Homfeld replied it is in the 'whereas' of the agreement and the city is aware the county is only funding CR 5 up to the original allocation. If the project should run over the city will be responsible for the funding. A discussion with the court followed.

Judge Self clarified the county is essentially loaning the City of Celina \$260,000; the county will get the money back and will have their fifty percent of funding when the time comes for the CR 5 project. Ms. Homfeld verified the funds would be returned; TxDOT will refund the amount the City of Celina will be loaned.

Judge Self asked the court if they were clear on the item; this is an accounting procedure. The county is loaning the city \$260,000; if they do not get the funds back, then the county will not have those funds to go toward the CR 5 project. Commissioner Jaynes questioned County Road 5 saying this was annexed to Celina and Prosper. Ms. Homfeld replied it is now called Frontier Parkway.

Jason Gray, City Manager, City of Celina, approached to address the questions with information on CR 5. Additional discussion with the court followed. Motion to approve the Interlocal Agreement with the City of Celina. (Time: 1:43 p.m.)

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

COURT ORER NO. 2011-097-02-21

2. AI-33256 Novation Agreement for Equipment, Grounds Maintenance (IFB No. 03212-10) to change the name from inControl Corp. to Irrigators Supply, Inc. and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORER NO. 2011-098-02-21

c. Amendment(s):

1. AI-33238 Contract amendment with the Department of State Health Services (DSHS) for Program Attachment No. 001 to Contract No. 2010-035446, Amendment No. 001A: CPS-Bioterrorism Preparedness to replace Section VI (in its entirety) and revise the contract end date, Homeland Security.

COURT ORER NO. 2011-099-02-21

d. Change Order(s):

1. AI-33258 No. 7 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to make various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

Commissioner Webb had two questions, regarding the agenda ratification for change order number nine and going from a six (6) inch water line to a twelve (12) inch water line. The cost increase was almost \$19,000. The Commissioner also referenced a memo in which the city is requesting a raise in the existing waterline. He asked if the change of going from a six inch to a twelve inch waterline and the city's request to raise the waterline was all in one project. Bill Burke, Special Projects, came forward in response. Mr. Burke informed the court the changes were all tied together and the county did not change from a six inch water line to a twelve; there is a line item on Turner Construction's tally sheet that show a deduct for a twelve inch water line. This is a fire hydrant which was moved closer to the main water line so there is a deduct of approximately 50 to 60 feet of six inch water line. The existing line, which is a twelve inch was put in when the original building was built.

After the county filled in the area, it brought the existing line to approximately 35 feet under fill. When the city realized what had been approved, they came back and said it had to be raised. A brief discussion followed. Motion to approve change order.

(Time: 1:45 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORER NO. 2011-100-02-21

e. Ratification:

1. AI-33289 County Judge's declaration of disaster due to the potential for wildfires in Collin County, County Judge.

Commissioner Webb pulled this item because he wanted the background of what the declaration does; the declaration signed by the Judge is only good for seven days and since tomorrow (February 22, 2011) is the seventh day, Commissioner Webb assumes this will be brought forward to continue past the seventh day and asked about the impact of making a declaration. Jason Lane, Homeland Security, came forward to address the questions.

Governor Rick Perry declared a disaster for wildfires in December of 2010. The state's declaration was for thirty days which was renewed at the end of January 2011. Collin County was contacted by the state who said they were including every county in the state in the wildfire declaration. Mr. Lane spoke with Judge Self regarding Collin County being included in the statewide declaration; the Judge then signed the disaster declaration and it was now before the court for ratification. Mr. Lane explained the process which starts at the county or city level. A Mayor or County Judge can sign a declaration of disaster which is then sent to the state. If the Governor declares a disaster, FEMA (Federal Emergency Management Agency) can make a recommendation to the President of the United States based on specific criteria. If the President signs a presidential declaration of disaster, there is then an opportunity to possibly be reimbursed for certain expenses incurred in disaster response.

Commissioner Webb clarified, that to date there has not been an actual fire in Collin County that would result in a disaster; the county is declaring a disaster in the event the President decides our region is eligible for reimbursement. Judge Self commented that this is strange because the Governor asked for the declaration for the potential of disaster, even though it has not occurred. Mr. Lane shared additional information with the court and gave each member a handout from the National Forrest Service.

Commissioner Webb concluded by saying he just wanted an understanding as to how the process worked and to clarify that there was not a whole section of the county that was burned. Motion to ratify the County Judge's declaration of disaster.
(Time: 1:50 p.m.)

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

COURT ORER NO. 2011-101-02-21

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

1. **AI-33241** \$25,000 to purchase Net Motion Software for the County's mobile devices used by the Sheriff's Office/Jail, Information Technology.

Commissioner Webb had two questions on the item; it is his understanding that there are savings in another budget related to Cisco which is being reallocated to the Net Motion software. When the amount of the purchase price is less than the requested budget amendment what happens to the differential. Caren Skipworth, Information Technology, approached in response saying the funds stay in the budget labeled for phone services and maintenance. Commissioner Shaheen clarified that the software enables officers to travel through dead zones without having to reboot their equipment. Ms. Skipworth confirmed this and added, this resolves the issue of security login as well as dropping signals which forces the officers to login multiple times trying to re-establish a connection to their data. The software also automatically switches the unit from the Verizon card which is used in the field, to the Sheriff's Wi-Fi when the officer returns to the office.

Commissioner Webb asked if this was requested by the Sheriff. Ms. Skipworth replied her department saw it as a technology change when they had their audit from the state on the TLETS (Texas Law Enforcement Telecommunications System) environments in the Sheriff's Office; this was a recommendation from that audit. The audit was conducted approximately three months ago. This was brought in as an approved concept; they tested the environments for three weeks in the field prior to making the recommendation to ensure the technology would solve the issues. Commissioner Webb asked how long until it is operational. Ms. Skipworth replied once the license is received, less than a week. Motion to approve purchase of Net Motion software.
(Time: 1:54 p.m.)

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

COURT ORER NO. 2011-102-02-21

2. **AI-33224** \$26,366,588 and Revenue Estimates in the amount of \$25,420,567 due to the November 2011 Bond Refunding Issue, Auditor.

Commissioner Webb pulled this item to understand the difference between a budget amendment and a revenue estimate. Jeff May, County Auditor, responded saying this has to do with the refunding bond issue that occurred earlier this fiscal year. He is separating the revenues and expenditures because the court approves the budget amendments. The difference in this particular item is mostly expenditures and additional principle payment; this is bond issuance costs and principle payments related to this refund. The net savings for the bond refund is approximately \$1.2 million which will be seen over the next twenty years. Motion to approve amendment. (Time: 1:57 P.M.)

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

COURT ORER NO. 2011-103-02-21

3. **AI-33187** \$29,214 to cover a negative salary and benefit category balance in the District Attorney's office due to the return of grant funds, Auditor.

Commissioner Shaheen pulled this item to get more clarification on what funds were needed and why. Jeff May, County Auditor, informed the court current District Attorney Greg Willis provided the Auditor's Office with the information they needed to process the grant; therefore, this amendment was no longer needed. Mr. May said he is very confident they will get the grant. Judge Self pulled this item from the agenda. Commissioner Jaynes asked when they would know; Mr. May responded it should be this week. (Time: 1:57 p.m.)

PULLED

4. **AI-33264** \$404 for reimbursement of the Indigent Filing fee, Justice of the Peace, Precinct 1.

Commissioner Shaheen informed the court and audience that the county had a legal opinion out on this and requested the court hold the item until that opinion was received. (Time: 1:59 p.m.)

HELD

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

1. **AI-33251** January 24, 2011.

COURT ORER NO. 2011-104-02-21

h. Miscellaneous

1. **AI-33134** Receive and File - Audit Results Final for the Justice of the Peace, Precinct 1 (2nd Quarter FY2010), Auditor.

Commissioner Webb gave comments saying this was related to item 4f4 which was held while awaiting an attorney's opinion and asked the court what they wanted to do since the two are tied together. Judge Self recommended holding this item as well. Commissioner Webb had suggested the same action. (Time: 1:59 p.m.)

HELD

2. **AI-33225** Release payments to various vendors by passing the early release procedures to be ratified on the next court, Auditor.

Judge Self opened the discussion saying there is no legal way to approve payments prior to Commissioners' Court approval. Judge Self continued saying when he first took office, the current system was put into place to record that someone had at least looked at it and said yes, we have to keep county business going. Early release payments are putting someone in harm's way. Jeff May, County Auditor, informed the court the county has an established early release process even though statutorily they are not authorized to do early releases. In order to operate it is necessary, otherwise the electricity could be turned off. Mr. May included a list of vendors that are typically paid without going through the early release process due to the nature of the services provided. He brought this before the court as an update and intends to make it an annual update item.

Commissioner Shaheen had a question regarding the rental for the county's Frisco facilities; was there a set schedule for payment or was there a variable. Bill Bilyeu, County Administrator, came forward with information saying this has been a long term issue. The county kept paying late and so kept incurring late fees. Payment is due within ten days of the first of the month. When a court is cancelled or a holiday falls on a court date, the payment was pushed passed the ten days. Commissioner Shaheen stated this is a rental and asked is the issue because we can't take action without an invoice and why we could not start the process earlier so that payment corresponds with a court. Mr. May replied that it was an issue, but now is not; it has not been an issue in couple of years.

Judge Self asked for a vote. A motion was made to approve passing the early release procedures as submitted by the Auditor. (Time: 2:03 p.m.)

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

COURT ORER NO. 2011-105-02-21

3. **AI-33215** Resolution supporting a request for improvements to Interstate Highway 35 East as designed by the Texas Department of Transportation (TxDOT) from Interstate Highway 635 in Dallas County to U.S. Highway 380 in Denton County, Commissioner, Precinct 3.

Commissioner Webb moved to approve; a typo had been corrected. No discussion necessary. (Time: 2:03 p.m.)

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

COURT ORER NO. 2011-106-02-21

4. **AI-33263** Resolution supporting the construction of FM 2786 (Stacy Road) from Greenville Avenue to FM 1378 from a 2-lane road to a 4-lane divided highway, Engineering.

COURT ORER NO. 2011-107-02-21

5. **AI-33272** Personnel Appointments, Human Resources.

COURT ORER NO. 2011-108-02-21

6. **AI-33273** Personnel Changes, Human Resources.

COURT ORER NO. 2011-109-02-21

7. **AI-33255** Purchase one (1) county standard laptop for the Justice of the Peace, Precinct 1 office and budget amendment in the amount of \$2,037 for same, Justice of the Peace, Precinct 1.

COURT ORER NO. 2011-110-02-21

8. **AI-33244** Utilization of The State of Texas Comptroller of Public Accounts procurement card contract with Citibank, Purchasing.

COURT ORER NO. 2011-111-02-21

GENERAL DISCUSSION

5. AI-33249 Local Option Election for the City of Blue Ridge to be held on May 14, 2011, Uniform Election Date for the legal sale of beer and wine for off-premise consumption only, Elections.

Sharon Rowe, Elections Administrator, came forward to certify that the number of signatures required for an election is sufficient. Forty three are required and 48 were accepted as valid for the petition.

A brief discussion with the court followed. Motion to order a Local Option Election for the City of Blue Ridge for the legal sale of beer and wine for off-premise consumption only, to be held on May 14, 2011. (Time: 2:04 p.m.)

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

COURT ORER NO. 2011-112-02-21

6. AI-33274 Board/Committee Appointments, Commissioners Court.

Judge Self appointed Michael Perez to the Child Protective Service Board.
(Time: 2:05 p.m.)

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

COURT ORER NO. 2011-113-02-21

7. Potential 82nd Legislative items, Commissioners Court:

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

Judge Self opened the discussion by saying each member of the court has already signed item number four (4) under Legislative Policy Statements. The court agreed to vote on each item individually and let state legislators know where Collin County stands on each issue. Judge Self asked if each of the items had a bill in process. Bill Bilyeu, County Administrator, came forward. Mr. Bilyeu stated that the items on the first page were actually policy statements and none have a bill filed. The second page contained the proposals and some of those have a bill in process. Commissioner Shaheen requested the removal of number six, an amendment of the Alcoholic Beverage Code, on the list of Legislative Proposals. Judge Self informed the court that the deadline to have a bill in draft was February 18, 2011 and that the county already had a draft bill on each of the eight items listed.

Commissioner Jaynes recommended the court let State Representative Jodie Laubenberg know where the county stands on special districts; she has been lobbied to create one in the Celina area and another one in the Anna area. Ms. Laubenberg will

not move forward without input from the county, so we need to let her know where we stand. Judge Self recommended the court vote on item 7a2 which is a policy requiring Commissioners' Court approval prior to the creation or expansion of a special district. Discussion with the court and Mr. Bilyeu followed regarding special districts followed. Commissioner Jaynes and Commissioner Williams wanted a vote on the item.

Judge Self said they could vote on two concepts; item two, approval prior to creation or expansion of special districts and item twelve, explicit authority to collect taxes for law enforcement. They could specifically vote on the Mustang Ranch and another unnamed district. Commissioner Shaheen suggested waiting since that item would come back to the court; he does not want to vote on that item at this time.

Commissioner Williams stated she doesn't think they should vote on the two special districts until they have the specifics. It is her understanding the court had gone through the conceptual ideas in the last session and they had come to a general consensus. If there is specific legislation, that is what they need to vote on. Mr. Bilyeu informed the court the items that required an up or down vote were on the second page which was specific legislative proposals.

Before moving to the legislative proposals, Judge Self gave comments on the requests the court has received supporting budget cuts. One item that is not on the policy statement list concerns juvenile detention. The current ratio is one officer to twelve inmates. Judge Self wants to move that ratio up; in the county's current pod system they can see forty eight. A raise in the ratio is expected.

Commissioner Jaynes pointed out another item not on the policy statement list which was the county's RTR (Regional Toll Revenues) funding.

Commissioner Webb does not support item seven, which is to support legislation to mandate in-teacher workdays to correspond with uniform election dates. Mr. Bilyeu stated they could pull the item from the policy statement list. Judge Self called for an up and down vote to add the county's RTR funding to the legislative priorities policy statement. (Time: 2:13 p.m.)

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

Item seven was removed from the policy statement list of legislative priorities.

Judge Self moved to the specific legislative proposals. Judge Self asked for a motion on item number one regarding the regulation of slaughter operations. With a bill already in process, Commissioner Jaynes moved to approve.

1. Update section 235.032 of the Local Government Code regarding the authority of a county to regulate certain aspects of slaughter operation to include Collin County.
(Time: 2:13 p.m.)

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

2. Various updates to TCDRS Statutes. After a brief discussion the court decided to hold this item until the specifics of the bill were reviewed. **HELD**

3. Update Local Initiative Project statutes to allow for more uses of the funding including replacing fleet and improving traffic flows. The bill has drafted but not filed. Motion to approve. (Time: 2:16 p.m.)

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

4. Amend section 157.021 of the Local Government Code to require unbudgeted overtime to be paid from an office's adopted budget. **HELD**

5. Amend section 61.006 of the Health and Safety Code by deleting (d) to remove the requirement that DHS adopt rules governing county indigent eligibility rules linked to Temporary Assistance for Needy Families-Medicaid (TANF) rules. Functionally. **HELD**

6. Amend sec. 105.03(c) and 105.05(c) of the Alcoholic Beverage Code to increase population limits for late night mixed drink alcohol sales from 800,000 to 900,000.

REMOVED

Commissioner Jaynes requested the legislative items not yet voted on be held until the court receives the legislation on just the items listed and asked the court to move this to the next court. Mr. Bilyeu informed the court legislation is moving slowly and they could vote at their preference. Judge Self directed Mr. Bilyeu to re-prioritize the items to place the county's priorities at the top of the list. Commissioner Webb clarified the Judge's request by saying each of the legislative proposals should have the language of the bill attached to it, so the court can either vote yea or nay, or propose amendments. Each item will have its own specific language attached so court members can vote on the next scheduled court.

Mr. Bilyeu informed the court the county attorney was present to answer any questions on item eight regarding NTTA (North Texas Tollway Authority) and CCTRA (Collin County Toll Road Authority) relationships. Judge Self replied the court would hold that conversation in Executive Session. (Time: 2:19 p.m.)

7. Amend Section 25.0453 of the Texas Government Code to provide explicit authority to utilize electronic court reporting in a Statutory Probate Court.

8. NTTA/CCTRA relationships. Discussion moved to Executive Session.

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session in accordance with Chapter 551 of the Government Code to consult with legal counsel at 2:19 p.m.

Judge Self reconvened the meeting of Commissioners' Court at 3:07 p.m. and asked for any comments from the court. Commissioner Jaynes commented that 70% of the Outer Loop has been taken off the master plan and he does not see it as being feasible; the folks of Collin County have had enough of toll roads and the county should take a look at making this a free road.

8. Possible future agenda items by Commissioners' Court without discussion.

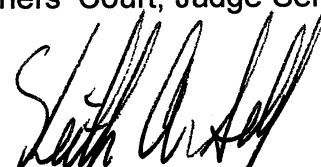
Commissioner Webb requested and analysis of acquisition of real estate county-wide.

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

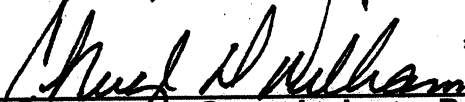


ATTEST:


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


Joe Jaynes, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4