

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 14, 2011

On Monday, November 14, 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:

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.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m.

FYI NOTIFICATION

1. AI-34537 Amended election calendar for 2012 Party Primary Election, Elections.
2. AI-34473 Collin County Public Works participation in the Texas Department of Transportation (TxDOT) Local County Assistance Program, Public Works.
3. AI-34488 Budget amendment in the amount of \$17,202 to establish the budget for the 2012 High Intensity Drug Trafficking Area/Federal Bureau of Investigations (HIDTA/FBI) agreement for overtime reimbursement for task force members, Auditor.
2. Public Comments. Public comments were heard under General Discussion Item No. 5.

3. Presentation/Recognition:

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

District Attorney Greg Willis presented a 15-year service pin to Sandy Schilling. Ms. Schilling works as a legal secretary in the Crimes Against Children Division.

Jeff May, County Auditor, presented a 10-year service pin to Lisa Nunley. Ms. Nunley is the accounts payable supervisor. (Time: 1:35 p.m.)

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4a, 4b1, 4b2, 4b3, 4g1, and 4g2 for discussion. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 2:18 p.m.)

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

a. AI-34487 Disbursements for the period ending November 8, 2011, Auditor.

Commissioner Webb had questions concerning a disbursement to the law firm of Bracewell and Giuliani in the amount of \$23,694. There was no budget established for this payment nor was there an authorization of policy for this payment. The Commissioner asked Jeff May, County Auditor, for a brief explanation. Mr. May said this disbursement was for services through February 28, 2011, for a grand jury investigation into the District Attorney's office. Normally when an invoice is processed, the Auditor will require a signature from the department that receives the goods or services. This expenditure was ordered by a visiting judge. Mr. May attempted to have the District Attorney's office sign off on the invoice but they refused, stating it would be a conflict of interest. Mr. May processed the disbursement and brought it to the Court's attention. It has been coded to the Indigent Defense Department. Commissioner Webb wanted to know if a visiting judge can authorize this type of expenditure without going through the budget process. Judge Self questioned the Indigent Defense line item. Mr. May said the funds could come out of a non-departmental miscellaneous account. Following discussion, Judge Self said the invoice should be paid and he asked that general counsel take a look at it. Commissioner Webb made a motion to pay the disbursement to Bracewell and Giuliani but to classify it as miscellaneous legal. Included in the motion is approval for all other disbursements with the exception of payment to Schindler Elevator. (Time: 2:28 p.m.)

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

COURT ORDER NO. 2011-900-11-14

Commissioner Jaynes made a motion to approve disbursement to Schindler Elevator.
(Time: 2:28 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed
Abstained: Commissioner Duncan Webb

COURT ORDER NO. 2011-901-11-14

b. Advertisement(s):

1. AI-34365 Maintenance, Road: Microsurfacing (IFB No. 09314-11), Public Works.

Commissioner Webb wanted to understand what we're paying for this microsurfacing. The back-up documentation suggested the budget was increasing to \$4.4 million. Jon Kleinheksel, Public Works, said the budget is not increasing to \$4.4 million. That number represents that line item; it's all encompassing under that particular line item. The microsurfacing is in the \$100,000-\$200,000 range. Monika Arris, Budget, said \$4.4 million is the line item for all road maintenance. Mr. Kleinheksel said microsurfacing is a maintenance function for pavement that is in good shape but needs resurfacing for minor cracks and to improve skid resistance. Commissioner Webb made a motion to approve. (Time: 2:31 p.m.)

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

COURT ORDER NO. 2011-902-11-14

2. AI-34366 Road Materials: Asphaltic Concrete (IFB No. 09315-11), Public Works.

Mr. Kleinheksel remained before the Court. Commissioner Webb had the same question as item 4b1. Mr. Kleinheksel said this is the same issue as discussed in item 4b1. With that, Commissioner Webb made a motion to approve. (Time: 2:31 p.m.)

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

COURT ORDER NO. 2011-903-11-14

3. AI-34364 Services, Herbicide Treatment of Roadside Right-of-Ways and Encroachments (IFB No. 06233-11), Public Works.

Commissioner Webb noted the insurance requirements were \$500,000 per occurrence and \$1 million aggregate. He was concerned whether those amounts were sufficient to protect the County from an unexpected indemnification. Frank Ybarbo, Purchasing Agent, stated these contracts were approved by the County's Risk Manager. He said he would ask the Risk Manager to review this further and they would go ahead with the advertising. If there is a change, they would issue an addendum. Commissioner Webb agreed and made a motion to approve. (Time: 2:35 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2011-904-11-14

c. Award(s):

1. AI-34485 Services: Qualified Services Entity to Participate in ERCOT Program (RFP No. 08276-11), Facilities.

COURT ORDER NO. 2011-905-11-14

d. Agreement(s):

1. AI-34497 Interlocal Agreement with the City of Murphy for improvements to Murphy Central Park for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG29) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-906-11-14

2. AI-34499 Interlocal Agreement with the City of Plano for improvements to the Legacy Greenbelt Trail Extension/Connection for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PC32) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-907-11-14

3. AI-34498 Interlocal Agreement with the City of Plano for improvements to the Oak Point Park Trail Extension and the Bluebonnet Trail Connection for funding through the 2nd Series – 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PF31) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-908-11-14

4. **AI-34362** Personal Services Agreement with James White (Agreement No. 09321-11) for park maintenance at Parkhill Prairie Preserve through and including September 30, 2012 and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-909-11-14

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

1. **AI-34490** \$2,587 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2011-910-11-14

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

1. **AI-34491** October 24, 2011.

COURT ORDER NO. 2011-911-11-14

g. Miscellaneous

1. **AI-34489** Accept donations of flea and tick preventative from PetMeds to be sent every six (6) months in exchange a link to the PetMeds website will be added to the Animal Services website, Development Services.

Commissioner Webb pulled this item because acceptance of this donation requires a link to the PetMeds website. He classified this as advertising. The Commissioner asked if there was a policy in place as to advertising. Judge Self asked Ms. Skipworth if there are any links to vendors on the County's website. Ms. Skipworth replied no. Commissioner Shaheen was hesitant to create a policy at this time. Mr. Ybarbo said there was a similar situation with Myers Park last year. The County's attorney suggested doing an RFP for that. Commissioner Williams said she would hate for the County not to accept the donation. Commissioner Webb made a motion to approve but he recommended the County move forward with formulating what they will do. (Time: 2:40 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

COURT ORDER NO. 2011-912-11-14

2. **AI-34392** Adoption of the FY2012 Collin County Investment Policy, Auditor.

Commissioner Webb pulled this item for two reasons: this policy was changed from what was presented to Court last week. He was not happy that there was no disclosure of that information, although he does support the policy as it was redrafted. Additionally, the Commissioner thinks the committee should meet more than once a

year. Mr. May stated he thought the changes were discussed in court. One change was to clarify wording and another was rewording of the audit section. Commissioner Shaheen said it would be helpful if a document with changes was presented to the Court. Commissioner Webb made a motion to approve with the change to quarterly meetings. (Time: 2:43 p.m.)

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

Following the vote, Commissioner Williams nominated Commissioner Webb to the FY2012 Collin County Investment Policy Board.

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

Commissioner Jaynes nominated Judge Self to the FY2012 Collin County Investment Policy Board.

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

COURT ORDER NO. 2011-913-11-14

3. **AI-34519** Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-914-11-14

4. **AI-34520** Personnel Changes, Human Resources.

COURT ORDER NO. 2011-915-11-14

GENERAL DISCUSSION

5. **AI-34476** Application for Junkyards, Automotive Wrecking and Salvage Yards submitted by Tobe Auto Dealer to be located at 1201 W. FM 6, Nevada, Texas, Fire Marshal.

Fire Marshal Mike Smith brought forward the application submitted by Tobe Auto Dealer. Included in the Court's packet was a copy of the Development Services' inspection and Fire Marshal's inspection. Misty Brown, Development Services, stated their inspection found a tributary on the western property line. Per Commissioners' Court order, there can be no water bodies within 1,000 feet. Additionally there are homes and several neighboring ponds in the general proximity. It is Development Services' opinion that the applicant cannot meet the definitions and requirements of the court order. East of the property is a salvage yard that was previously grandfathered in.

Judge Self called citizens forward who wished to offer public comments.

Mia Smith is a councilwoman in the City of Nevada. She stated Nevada has five salvage yards now and they don't need any more. They need businesses that will help the growth of their town and community. They do not need businesses that will lower their property values. Ms. Smith urged the Court to deny the application.

Marla Barth lives and works in the City of Nevada. She was also asking the court to deny the application as it would have a negative impact on property values and the growth of the community.

Abigail Nchekwube is the applicant and owner of the property. As a pharmacist and engineer, she stated she has an interest in creating jobs. She wants to load vehicles to ship and export. Her business is not a salvage yard. Ms. Nchekwube stated her business is a very neat place. She wants to get vehicles and export them to Africa. She will employ a lot of people and create jobs for Collin County. Ms. Nchekwube stated there is no flow of water from her property to the tributary.

Joe Bellows has been a citizen of Collin County for over 30 years. He lives on FM 6 and he has a wrecker service business on FM 6. Mr. Bellows' opinion is if we're creating more commercial business, it will help the value of the land. The salvage yards that were grandfathered in aren't going anywhere. Mr. Bellows doesn't know the applicant but he supports anyone that is trying to create business. As long as they are in compliance with the fire marshal, he thinks it would be a good idea for Collin County to have more commercial area.

Tom Donegan is a resident of FM 6 in Nevada. He does not know the applicants, but he spoke in support of the salvage yard. He said he's watched them work and they seem to be a clean business. It doesn't appear that they are making the area any worse than it is now.

Commissioner Williams said although there are businesses along FM 6 that do similar activities, the Court previously ordered that they would look carefully at these types of businesses in the future, particularly with concern to water runoff into the primary water sources. The Commissioner feels it is critical to hold to the Commissioners' Court order. Commissioner Webb agreed that the Court should enforce the policy that is in place. A motion was made to deny the application. (Time: 1:49 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Denied

DENIED

6. AI-34496 Tax Abatement Policy, Administrative Services.

Bill Bilyeu, County Administrator, said this item could be discussed today or be held for another week in order for additional information to be distributed to Court members. Judge Self said the Court would discuss this item. Mr. Bilyeu stated he made policy changes as requested by Commissioner Jaynes and other court members. Updated language was presented. Commissioner Shaheen said the policy lacks any type of guidance as far as what to give cities and he was not in support of it. Commissioner Webb stated he was supportive of the policy and he moved for approval. Commissioner Williams also supported the policy. Discussion of the policy and updated language followed between Court members and Mr. Bilyeu. Following discussion, Commissioner Jaynes stated the Court needs to be as open and flexible with this policy as possible. (Time: 2:06 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 3 – 2 Passed
Nay: Judge Keith Self
Nay: Commissioner Matt Shaheen

COURT ORDER NO. 2011-916-11-14

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

Judge Self directed the Court's attention to a letter from the NTBHA (North Texas Behavioral Authority) Board. The NTBHA Board is asking all Commissioners' Courts to send a similar letter to the delegates listed on page three. The Judge checked with our legislators and they do not think we will get additional funding for NorthStar. Funding for NorthStar is different than it is for MHMR (Mental Health Mental Retardation) across the state. NorthStar is the mental health pilot program that's been in place for 12-13 years in the North Texas region. Funding outside of NorthStar is \$3,500 per person; funding within NorthStar is \$1,500 per person. There was discussion of whether to request a reallocation of dollars and how to proceed. Commissioner Jaynes wanted to talk to our legislators about getting Collin County out of NorthStar. Judge Self agreed and suggested the Court compose a different letter. (Time: 2:10 p.m.)

NO ACTION TAKEN

8. AI-33858 RTC monthly update, Commissioner, Precinct 4.

As the RTC representative for the Court, Commissioner Webb presented the update. He said the last meeting was non-descript; however, they did have their first executive session in the history of the RTC. Judge Self asked if lack of funding for the Interstate 35 project was discussed. Commissioner Webb replied no. (Time: 2:12 p.m.)

NO ACTION TAKEN

9. Board/Committee Appointments, Commissioners Court:

a. AI-34509 Collin County Central Appraisal District Board of Directors, Commissioners Court.

By way of explanation, Judge Self stated the Commissioners' Court had 547 votes to use however they chose. There were six candidates for the Central Appraisal District Board of Directors and the top five vote getters would comprise the board. Commissioner Webb suggested splitting the votes evenly among the five incumbents and one new candidate. Commissioner Jaynes suggested giving all 547 votes to Reed Greer. Commissioner Williams wanted to split the votes among all six candidates. Commissioner Shaheen made a motion to split the votes evenly among all six candidates. (Time: 2:15 p.m.)

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

COURT ORDER NO. 2011-917-11-14

b. AI-34516 Appointment(s) to the Planning Board, Commissioners Court.

Commissioner Jaynes re-appointed Matt Hilton to the Planning Board.
(Time: 2:15 p.m.)

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

Judge Self appointed Z Marshal to the Planning Board effective January 1, 2012.
(Time: 2:16 p.m.)

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

Commissioner Webb re-appointed Roger Bolin to the Planning Board effective January 1, 2012. (Time: 2:16 p.m.)

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

COURT ORDER NO. 2011-918-11-14

c. **AI-34523** North Central Texas Council of Governments Justice Policy Development Committee, Commissioner Precinct 1.

Commissioner Shaheen stated he currently serves on this committee; however, he will not be seeking another term. A new member will need to be appointed in February 2012. His recommendation was for the Court to appoint an individual with a law enforcement background. (Time: 2:17 p.m.)

NO ACTION TAKEN

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

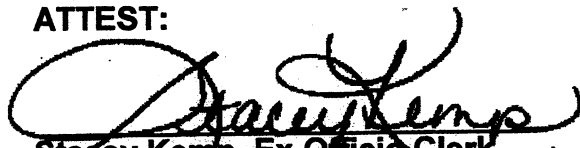
Commissioner Webb will have a CPS appointment in a future court and Commissioner Jaynes wanted to talk about burn permit fees. (Time: 2:17 p.m.)

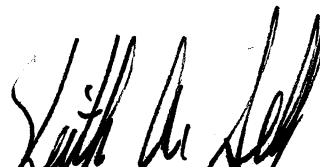
EXECUTIVE SESSION

There being no reason to recess into Executive Session and no further business of the Court, Judge Self adjourned the meeting at 2:44 p.m.

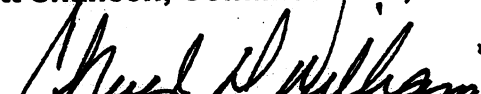


ATTEST:

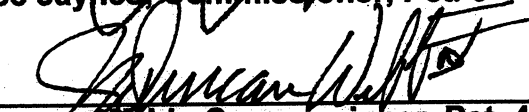

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S


Keith Self, County Judge


Matt Shaheen, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Joe Jaynes, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4