

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
MARCH 12, 2012

COUNTY OF COLLIN

On Monday, March 12, 2012, the Commissioners' Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Collin County Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

Judge Keith Self

Commissioner Matt Shaheen, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Joe Jaynes, Precinct 3

Commissioner Duncan Webb, Precinct 4

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 1:30 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:06 p.m. and adjourned the meeting at 2:06 p.m. The meeting of the Collin County Commissioners' Court was reconvened.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-34960 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-34915 Purchase 30 Encryption Boards for portable radios assigned to the Narcotics & Tactical teams from Motorola, Inc. in accordance with Collin County Court Order No. 97-815-11-24 designating Motorola as the sole source provider for Motorola equipment, maintenance and software support in accordance with V.T.C.S., LGC, Chapter 262, Section 262.024(a)(7)(D), Sheriff.

Commissioner Shaheen said the back-up has a memo about the sole source provider being Motorola in 1997. He asked if they are still the sole source provider after that long period of time. Frank Ybarbo, Purchasing Agent, said yes because the equipment going

into the radio is Motorola equipment and it is proprietary information. Sheriff Terry Box came forward. The Sheriff said they will catch that next time and not have a sole source provider. Anybody will be able to bid. (Time: 1:54 p.m.)

3. AI-34929 Budget amendment(s)/adjustment(s) totaling \$10,596 (over \$5,000 per c/o 2005-589-08-01), Budget.

2. Public Comments.

Andrea Stroh Thompson, District Clerk, came forward with an update on the Passport Fair which was held this past Saturday. 130 citizens come in and 79 passports were processed. Ms. Thompson also reported that there were no more rental crates in the District Clerk's office which will result in a savings of \$4,000 per month. (Time: 1:33 p.m.)

3. Presentation/Recognition:

a. Service Pins for the month of March, Human Resources.

Stacey Kemp, County Clerk, presented service pins to Donna Laird and Brenda Cavender, both for 15 years of service. (Time: 1:32 p.m.)

4. Consent agenda to approve: Judge Self pulled item 4c1 and asked for comments on the consent agenda. Commissioner Webb pulled a check to Helms, Roberts and Diaz under disbursements and item 4g4. Commissioner Shaheen pulled FY12 and 4b1. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 1:53 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

a. AI-34948 Disbursements for the period ending March 6, 2012, Auditor.

Commissioner Webb pulled the check to Helms, Roberts and Diaz because there is no budget for this item so by law it cannot be approved for payment. The Commissioner asked for an explanation. Jeff May, County Auditor, said this is a check for a court-appointed prosecutor for the Patricia Crigger case and we don't have a budget for that. When they had a similar situation last year, money was moved from non-departmental to cover the costs. Mr. May said he could hold this item for the next Court and return with a budget amendment. Commissioner Webb said that was fine. Judge Self asked why this was so special that we don't have a budget line to cover it. Mr. May said we don't normally have a budget for a court-appointed prosecutor. Due to a conflict of interest, the District Attorney withdrew and did not prosecute this case.

With the exception of the disbursement to Helms, Roberts and Diaz, disbursements were approved under the consent agenda. (Time: 1:55 p.m.)

COURT ORDER NO. 2012-149-03-12

b. Award(s):

1. **AI-34931** Construction, Fueling Station Canopies (IFB No. 10042-12) to Concord Commercial Services, Inc., Construction & Projects.

Commissioner Shaheen said there were two things he wanted to discuss. The actual fuel tank dispensers were \$81,000 and the canopy was \$87,000. He asked if the reason the canopy is so expensive is because of TCEQ (Texas Commission on Environmental Quality) requirements. He did not see the TCEQ requirements in the back-up. Jon Kleinheksel, Public Works, said the \$87,000 was for construction of three canopies: two in Farmersville and one at the service center in McKinney. With that explanation, Commissioner Shaheen made a motion to approve. (Time: 1:57 p.m.)

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

COURT ORDER NO. 2012-150-03-12

2. **AI-34935** Replacement of Fuel Tank Dispensers and Fuel Tank Monitoring Systems (IFB No. 12075-12) to Evans Pump Company, Inc. and further authorize the trade-in of the old tank monitoring equipment in the amount of \$5,128, Public Works.

COURT ORDER NO. 2012-151-03-12

c. Agreement(s):

1. **AI-34908** Interlocal Agreement with the City of Celina for relocation of utilities for TxDOT (Texas Department of Transportation) improvements to SH 289 (Preston Road) from FM 1461 to FM 455 (2007 Bond Project No. 07-00-17), reallocate funds from the 2007 Bond Project No. 07-014 from CR 5 from the Dallas North Tollway (DNT) Extension to SH 289 (Preston Road), budget amendment in the amount of \$34,705 (County participation NTE \$34,705) and further authorize the County Judge to finalize and execute same, Engineering.

Commissioner Shaheen said this is \$35,000 to pay for utilities for SH 289 through the City of Celina. Typically we share these 50-50. This agenda item has the County paying 100%. The Commissioner prefers to be consistent in sharing this cost 50-50. The City of Celina is open to having this be a loan. They would pay back 50% of that amount. Commissioner Shaheen wanted the agreement adjusted to reflect that this is a loan and that 50% will be paid back to the County. Commissioner Webb asked about the terms of the loan. Commissioner Shaheen said that has to be worked out. Ruben Delgado, County Engineer, stated what they have done in the past is the interest rate has been what the county pays on the bonds. Commissioner Webb said in the past the maximum

term has been five years on a re-payment. He asked if the Court is willing to go ten years. Judge Self asked if there is a timeline on this issue. Mr. Delgado said TxDOT is ready to move with the project, so the sooner the better. Commissioner Shaheen is comfortable approving the item with the stipulation that a 50% loan be worked out and the details be brought back for approval. Commissioner Jaynes asked if they could deduct it from another bond project. Commissioner Shaheen said both options are open to them. Commissioner Webb is comfortable doing it contingent that they either move some other bond funds that are allocated to another project within their city or that they agree to pay it on the rates provided and a term that is agreeable. Mr. Delgado said we'll work with it. Commissioner Shaheen made a motion to approve with the adjustment that half of the \$35,000 either be a loan or reallocation of another bond project. (Time: 2:00 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-152-03-12

d. Amendment(s):

1. **AI-34841** No. 1 to the Interlocal Agreement for EMS Services with the City of Anna (Agreement No. 10140-09) for an annual amount of \$114,781.91 beginning November 1, 2011 through and including October 31, 2012 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-153-03-12

2. **AI-34933** No. 2 to the Intergovernmental Cooperative Agreement for the Low Income Vehicle Repair Assistance, Retrofit and Accelerated Retirement Program (LIRAP) (Contract No. 582-9-90416-08) with the Texas Commission on Environmental Quality (TCEQ) to allow for the carryover of funds from the FY2011 contract in accordance with program standards adopted in the last legislative session; grant activities will be performed in accordance with TCEQ Contract No. 582-12-20275 and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-154-03-12

3. **AI-34940** No. 3 to Inmate Healthcare (RFP No. 04479-08) with Correctional Healthcare Companies, Inc. to make nursing staff available to the Juveniles enlisted in the Justice Education Program and further authorize the Purchasing Agent to finalize and execute same, Juvenile Probation.

COURT ORDER NO. 2012-155-03-12

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

1. **AI-34937** \$12,400 for the Vent Pipe Replacement Project at Adult Detention, Construction & Projects.

COURT ORDER NO. 2012-156-03-12

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

1. **AI-34916** February 20, 2012.

COURT ORDER NO. 2012-157-03-12

g. Miscellaneous

1. **AI-34981** Early Voting locations, dates and times for the May 29, 2012, Primary Elections, Elections.

COURT ORDER NO. 2012-158-03-12

2. **AI-34901** Increase the dollar amount of the cash drawer in the Fire Marshal's office to \$100, Fire Marshal.

COURT ORDER NO. 2012-159-03-12

3. **AI-34922** Reclassification of two (2) System Programming Supervisor positions (pay grade 518) to one (1) Senior Project Manager position (pay grade 517) and one (1) Master Architect position (pay grade 518), Human Resources.

COURT ORDER NO. 2012-160-03-12

4. **AI-34939** Ten year repayment plan with the City of Weston for work to be done on mutual boundary roads 208, 209, 216 and 1096 and the reconstruction of a segment of CR 206 within Weston City Limits, Public Works.

Commissioner Webb pulled this item to ask two questions. This is a mutual boundary road and his question was have we ever done a ten year pay? The Commissioner was told by staff that the longest has been five years.

His second question related to Mr. Kleinheksel's memo. It mentions the fact that the money that they're asking for is to redo the portion of CR 266. It also says plus repairs not yet estimated for another section of CR 206. \$61,000 seems to be the minimum. How much more are they asking for? Before he approves he would like to know what they are talking about.

Commissioner Williams said she doesn't have a problem going with a longer period of time. Commissioner Shaheen agreed; they're doing this to help the cities out. Commissioner Jaynes is also comfortable with it. This is a city that is financially challenged.

Mayor Patty Harrington from Weston came forward to address the Court. She said she understands that ten years is something new for the Court. Their Council has agreed to go ahead with the paving of mutual boundary roads in Weston. CR 206 is in need of total reconstruction. The City of Weston is in dire straits due to actions of a former mayor and Council. There is no way the city with its current budget of \$119,000, which includes a deficit, can participate in the asphaltting of those mutual boundary roads.

Mr. Kleinheksel said \$61,000 is a firm number. Commissioner Webb made a motion to approve the ten year repayment plan. (Time: 2:05 p.m.)

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

COURT ORDER NO. 2012-161-03-12

Judge Self recessed the meeting of the Commissioners' Court and called to order the meeting of the Collin County Health Care Foundation at 2:06 p.m.

5. **AI-34932** Timeline for the Parks and Open Space Project Funding Assistance Program, 2007 Bond – Third Series, Special Projects.

COURT ORDER NO. 2012-162-03-12

6. **AI-34961** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-163-03-12

7. **AI-34962** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-164-03-12

GENERAL DISCUSSION

5. **AI-34934** Utilization of discretionary funding to construct a shared drive for two (2) properties along FM 455 from US 75 to East of SH 5 TxDOT (Texas Department of Transportation) Roadway project and budget amendment in the amount of \$60,846 for same, Engineering.

Ruben Delgado, Engineering, came forward. Mr. Delgado stated FM 455 from US 75 to SH 5 has been an ongoing project with the county and the city for many years. TxDOT is in the midst of acquiring right-of-way and they hope to award a construction contract this year. They have asked Collin County to participate in the construction of a shared driveway at a cost of about \$60,000 for two businesses. This would facilitate the right-of-way acquisition. If not, they can go to eminent domain which will delay the project, possibly foregoing hundreds of thousands of dollars in the federal bidding environments. TxDOT and the City of Anna request that the Commissioners' Court agree to participate in the project.

Anna City Manager Phillip Sanders came forward to speak in favor of Item No. 5. The City of Anna has been negotiating with Bronco Manufacturing and Texas Star Bank for 18 months regarding their driveway access after FM 455 is expanded. An agreement was reached between TxDOT and the project engineer, but six months ago TxDOT came back and said they would not pay for the improvements to connect these two driveways together. Mr. Sanders was asking that the contract be amended to include \$60,000 for the common driveway that TxDOT will not include in the project.

Commissioner Jaynes said this project is one of the most important projects in this area of the County. The Commissioner asked Mr. Sanders if the \$60,845 was the total cost. Mr. Sanders said it is the total cost that TxDOT will not cover. Commissioner Jaynes asked if the City of Anna would be willing to go half with the County on this project. Mr. Sanders replied that he hadn't discussed it with the City Council. They don't have cash to contribute, but if reducing their bond allocation would be a consideration he thinks the City Council would consider that. Commissioner Shaheen said city participation would be important in this. Commissioner Jaynes and Judge Self were agreeable to bond reallocation but did not want to tie their hands. Mr. Sanders stated there is about \$1 million of bonds funds not used. Judge Self would like to see that suggestion made. FM 455 is very important to the County but it is within the city limits of Anna. (Time: 1:42 p.m.)

NO ACTION TAKEN

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

Commissioner Webb, as the Court's representative, presented an update from the RTC meeting he attended last Thursday. The Commissioner presented Court members with packet materials from the meeting. The biggest announcement was that TxDOT has come up with an additional \$2 billion of roadway capacity funding, which is a combination of Prop 12 funds and savings. Commissioner Webb stated rumors are half a billion dollars will be allocated to this region. The split should be \$100 million to the west district and \$400 million to the east district. The question is how the money will get divided up. Commissioner Webb talked about potential uses for the money, but noted it is a preliminary announcement. None of the monies will come to Collin County.

Commissioner Webb is on the Legislative Fundamentals Committee. At Commissioner Jaynes' request, he gave him a listing of who has been chair, vice-chair and secretary of the RTC since 1977. The bylaws provide that the chair alternates between east and west. There was a brief discussion of RTR funding. Commissioner Jaynes asked Ruben Delgado, Engineering, for a list of projects. Mr. Delgado said there will be meetings with the cities. It is important to get projects in the engineering phase so they will be ready to go should they get funding. Commissioner Shaheen wants to be copied on the meetings with his cities. Commissioner Webb said all commissioners will be invited. Some meetings will be in unincorporated areas as well. Commissioner Williams said she can't stress enough the importance of having those projects ready to go and having the engineering completed. (Time: 1:51 p.m.)

NO ACTION TAKEN

7. AI-34804 83rd Legislative Agenda for 2013, Commissioners Court.

NO ACTION TAKEN

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

Judge Self asked Mr. Kleinheksel if the Safety and Betterment Funds was worth an agenda item. Jon Kleinheksel, Public Works, said they could make it an FYI item. Commissioner Williams wanted to add appointments to the NETEX (Northeast Texas Rural Rail Transportation District) Board. (Time: 1:51 p.m.)

EXECUTIVE SESSION

Following the conclusion of the meeting of the Health Care Foundation, Judge Self recessed the Commissioners' Court meeting into Executive Session under Paragraph 551.071, Legal, to consult with an Attorney regarding Young Chevrolet, Inc. v. TCEQ and 551.072, Real Estate, to consider the UDCF Building. (Time: 2:07 p.m.)

Commissioners' Court was reconvened at 2:52 p.m.

Legal (551.071)

AI-34968 Consult with an Attorney regarding Young Chevrolet, Inc. v. TCEQ, Administrative Service.

NO ACTION TAKEN

Real Estate (551.072)

AI-34984 UDCF Building, Administrative Services.

Judge Self asked for a motion on the UDCF Building. Commissioner Webb wanted to enter into a letter of intent with DWC Commercial Properties LC pursuant to the proposed form that was submitted. Commissioner Jaynes seconded. Bill Bilyeu, Administrative Services, said what we are going to enter into is the non-disclosure agreement. Commissioner Webb amended his motion to approve that they move into the confidentiality agreement that is attached to the contract. (Time: 2:54 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

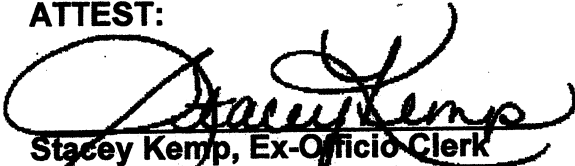
Vote: 5 – 0 Passed

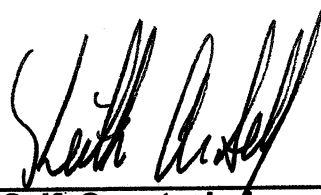
COURT ORDER NO. 2012-165-03-12

There being no further business of the Court, Judge Self adjourned the meeting at 2:54 p.m.



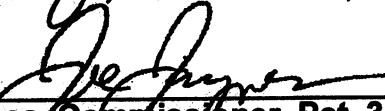
ATTEST:


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