

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 16, 2012

COUNTY OF COLLIN

On Monday, April 16, 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.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and recessed into the Collin County Health Care Foundation at 1:33 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 1:33 p.m. and adjourned the meeting at 1:33 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 1:33 p.m. and adjourned the meeting at 1:38 p.m. The meeting of the Commissioners' Court was reconvened at 1:38 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35045 Reclassification of a part-time Clerk position (pay grade 530) in the Community Supervision and Corrections Department (CSCD) to a full-time Secretary position (pay grade 532), Human Resources.
2. AI-35046 Budget amendment in the amount of \$12,000 to reallocate funds from Juvenile Out of County Sex Offender (Fund 45) to Juvenile Probation (Fund 18) to provide funding for Detention supplies, Auditor.
3. AI-35082 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

Judge Self asked about the ARTA study. Commissioner Williams said they have had several meetings and the Auditor is getting close to bringing that back to court. Judge Self asked Bill Bilyeu, Administrative Services, to add the Turner Construction issue and the sale of the Stacey Road right-of-way to Fairview to the list of outstanding agenda items. (Time: 1:40 p.m.)

2. Change Order(s):

a. **AI-35039** No. 26 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

b. **AI-35040** No. 27 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

2. Public Comments.

3. Presentation/Recognition:

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

District Clerk Andrea Stroh Thompson presented a ten-year service pin to Kelly Burts. (Time: 1:50 p.m.)

4. Consent agenda to approve: Judge Self pulled items FYI1, e2, and i1 for discussion. He asked for comments on the consent agenda. Commissioner Webb pulled items 4a and g1a. Commissioner Williams made a motion to approve the remainder of the consent agenda. (Time: 1:39 p.m.)

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

a. **AI-35072** Disbursements for the period ending April 10, 2012, Auditor.

Commissioner Webb stated he would be stepping down on the vote for the check to Schindler.

Commissioner Webb had a question about a check for \$32,506 to attorney Keith Gore. Randall Rice, Auditor's Office, said it's a sealed check but it was an expense relative to a capital murder trial. Commissioner Webb wanted to know where we are on alternatives to handle capital cases and indigent defense. Bill Bilyeu, Administrative Services, said the issue is on the outstanding list. He is trying to coordinate a presentation by a speaker from a state created group that handles capital murders only. It's part of a non-profit project that has saved other counties money. Commissioner Webb made a motion to approve all disbursements with the exception of Schindler Elevator. (Time: 1:43 p.m.)

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

COURT ORDER NO. 2012-212-04-16

Commissioner Williams made a motion to approve the disbursement to Schindler Elevator. (Time: 1:43 p.m.)

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

COURT ORDER NO. 2012-213-04-16

b. **AI-35047** Tax refunds totaling \$260,421.19, Tax Assessor Collector.

COURT ORDER NO. 2012-214-04-16

c. Advertisement(s):

1. **AI-35062** Services, Janitorial (RFP No. 04199-12), Facilities.

COURT ORDER NO. 2012-215-04-16

d. Agreement(s):

1. **AI-35053** Interlocal Agreement with the Frisco Public Library for Library Services to be paid in quarterly installments for an annual amount of \$60,220.23, further authorize the County Judge to finalize and execute same, Budget.

COURT ORDER NO. 2012-216-04-16

2. **AI-35041** Lease Agreement with the City of Frisco for property located at 6101 Frisco Square Blvd., Suite 2000, Frisco Texas, commencing on January 1, 2012 through and including December 31, 2012 and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2012-217-04-16

e. Change Order(s):

1. **AI-35068** No. 1 to Maintenance: UPS Repair & Parts Replacement (IFB No. 02119-11) with Critical Systems Services, Inc. to provide various changes to the contract, extend the contract through and including April 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2012-218-04-16

2. **AI-35029** No. 2 to Construction, Bridge, CR 408 over Bomars Branch (IFB No. 04169-11) with Jeske Construction Co. to provide various changes to the contract, budget amendment in the amount of \$3,171 and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

Judge Self asked Jeff Durham, Special Projects, about utility relocation. Should it be charged back? Who did the damage? Mr. Durham said there were three utility companies working in the area at the time: phone, water and power. Nobody admitted to the damage, and so to secure the property, the County put the fence back up. Judge Self made a motion to approve. (Time: 1:44 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-219-04-16

f. Ratification of the County Judge's prior approval:

1. **AI-35028** Grant Application for the FY2012/2013 CoServ Charitable Foundation Grant to support and improve Teen Court volunteer recruitment, training and recognition, Administrative Services.

COURT ORDER NO. 2012-220-04-16

2. **AI-35059** Emergency Funding Agreement with the Heritage Guild of Collin County for the removal of a dead Oak Tree in Chestnut Square utilizing funds from the Historical Commission's Grant Program in the amount of \$1,100, Administrative Services.

COURT ORDER NO. 2012-221-04-16

3. **AI-35030** 2012 Lake Patrol Contract with the U.S. Army Corps of Engineers, Fort Worth to provide additional Patrol of Lake Lavon from May 18, 2012 through and including September 5, 2012, Sheriff.

COURT ORDER NO. 2012-222-04-16

g. Receive and File, Auditor:

1. Final Audit Result(s):

a. AI-35069 Justice of the Peace, Precinct 2 (1st & 2nd Quarter FY2011).

Commissioner Webb asked about a finding that reports should be submitted to the Auditor's Office by the tenth day of the following month. The response from JP2 was they do not receive their statements by the tenth of the month. They are as timely as they can be. The Auditor's response was maybe you should contact the financial institution and request online access. The Commissioner asked if that was done. Randall Rice, Auditor's Office, said the JP's office has done that and it is available, but they have chosen not to use that. Commissioner Williams added even though they receive their statements by the tenth of the month, they submit them usually 30-60 days later. Commissioner Jaynes asked if this has been a long-term problem. Mr. Rice said yes and it's just this particular office. JP2 does not utilize American National Bank, which is the County's depository bank. American National Bank does not have a branch in Farmersville. They use First State Bank of Farmersville. Following discussion, Commissioner Jaynes said he wants to talk to Judge Douglas. Judge Self said this item would be held. (Time: 1:48 p.m.)

HELD

b. AI-35064 Animal Shelter (3rd & 4th Quarter FY2011).

COURT ORDER NO. 2012-223-04-16

c. AI-35063 District Attorney (4th Quarter FY2011).

COURT ORDER NO. 2012-224-04-16

d. AI-35065 Justice of the Peace, Precinct 4 (4th Quarter FY2011).

COURT ORDER NO. 2012-225-04-16

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

1. AI-35031 March 19, 2012.

COURT ORDER NO. 2012-226-04-16

2. AI-35054 March 26, 2012.

COURT ORDER NO. 2012-227-04-16

i. Miscellaneous

1. **AI-35038** Sale of Struck Off property located in Celina, Texas in the B.B.B. and C.R.R. Company Survey Abstract No. 132 to Brent Ashton and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

Without discussion, Judge Self made a motion to approve. (Time: 1:48 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-228-04-16

2. **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.

Commissioner Jaynes made a motion to approve. This is the second example of the City of Anna stepping up to the plate and working with the County on our roads. They worked with the County on the mutual boundary roads and on the Outer Loop. Philip Sanders, City of Anna Manager, was present but did not wish to address the Court. (Time: 1:32 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-229-04-16

3. **AI-35048** Preliminary Plat for The Oaks of Farmersville Subdivision, Engineering.

COURT ORDER NO. 2012-230-04-16

4. **AI-35060** Waiving the admission fees to the Collin County Farm Museum for active duty military personnel and their families between Memorial Day and Labor Day, Special Projects.

COURT ORDER NO. 2012-231-04-16

5. **AI-35086** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-232-04-16

6. **AI-35087** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-233-04-16

GENERAL DISCUSSION

5. AI-35050 Collin County Mobility Plan Update, approval of an Engineering Services Agreement with Jacobs Engineering Group, Inc. for Professional Services, Engineering: Mobility Plan Update (RFQ No. 06207-11) and further authorize the Purchasing Agent to finalize and execute same, Engineering.

Tracy Homfeld and Ruben Delgado, Engineering, came forward. Mr. Delgado said one of Collin County's strengths is they have had a thoroughfare plan since 1981-1982. By way of background, Mr. Delgado stated following authorization by the Commissioners' Court several months ago, the Engineering Department went through the Planning Board, the Planning Board looked at the scope of work, and ultimately Jacobs Engineering was selected to proceed with a cost proposal. Ms. Homfeld presented the final proposal for the Court's consideration.

Ms. Homfeld had a Power Point presentation on the 2012-2013 Collin County Mobility Plan (CCMP) update. The last mobility plan update was prepared in 2006-2007. CCMP is a comprehensive multi-modal plan for transportation systems that will serve the mobility needs of the county residents and guide major transportation investments. The reasons for the updated CCMP are: a guide for property owners and developers, to determine future travel demand and needs, identify future roadway locations and planned improvements, efficiently utilize limited resources, preserve corridors needed for future growth, coordinate planning among municipalities, and be a guide for future transportation bond programs.

Some of the changes since 2007: they are extending their planning horizon year from 2030 to 2035; they are changing density and distribution of development; completed road improvements, such as SH121, US75/SR121 interchange, extension of DNT and US 380 widening; changing economic conditions and planned projects removed or delayed. We've been fortunate to have the Highway 121 RTR funds which have allowed construction of many projects. One of the main components of a fiscally constrained plan is that it will be a fiscal analysis that will develop a financial achievable plan that is consistent with COG (Council of Governments), TxDOT, and FHWA (Federal Highway Administration) financial requirements.

Continuing with her presentation, Ms. Homfeld presented a slide which outlined the process flowchart of what Jacobs would be doing in their planning process. A major component is public input. There will be many opportunities for public and community stakeholders to offer input. Jacobs will hold bi-monthly meetings with the Collin County Planning Board. Jacobs will participate in up to nine Planning Board meetings and there will be two countywide stakeholder workshops. The Planning Board and other county officials will be invited to participate in these workshops. There will be agency coordination meetings with every municipality in Collin County. A total of 20 meetings is anticipated. Jacobs anticipates up to four Commissioners' Court meetings for briefings and adoption of final plans.

Ms. Homfeld next presented the plan development schedule and then moved on to cost reduction included. Original proposed cost was \$725,437, and after negotiations it was reduced to \$535,035. She enumerated items removed from the scope for the cost savings. Ms. Homfeld answered questions from Court members. Commissioner Williams asked about reducing the number of stakeholder workshops as listed in the cost reductions slide. The Commissioner thinks we need a couple more meetings, particularly with the eastern side of the county so you can get a good grasp of the needs of those communities. Discussion continued about the numbers and locations of meetings. Mr. Delgado suggested adding an addendum to the contract to include more meetings.

Judge Self stated we need to use this opportunity to address some of our major issues with the federal government, including bike paths that must be put on every highway. Until 2035 we'll be charged if we execute this plan to spend millions of dollars on bike paths. Mr. Delgado introduced Clarence Doherty from Jacobs Engineering.

Following continued discussion, Commissioner Webb made a motion to approve; Commissioner Williams seconded with the caveat of two more meetings, one in the northeast and one in the southeast. Judge Self asked Mr. Delgado and Ms. Homfeld to bring back a plan of meetings. (Time: 2:16 p.m.)

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

COURT ORDER NO. 2012-234-04-16

6. AI-35027 Environmental Enforcement Program update, Public Works.

Jon Kleinheksel, Public Works, came forward with a briefing on the Environmental Enforcement Program. He presented slides depicting common illegal dumpsites containing residential trash, dead animals, large debris fields, and tires. Tires are a growing problem. Illegal dumping costs taxpayers hundreds of thousands of dollars in clean-up costs and many contain hazardous materials and toxic waste. Mr. Kleinheksel listed the solid waste initiatives: PW/CSCD illegal dumpsite clean-up, PW/Inmate program, recycling centers, Collin County Citizen Trash Drop Off Day, Environmental Enforcement (EE) Program, Nuisance Abatement with the Fire Marshal and there are a couple of grants which are pending. Mr. Kleinheksel showed more slides depicting illegal dumping.

In FY2011, the County saved about \$183,000 using CSCD for clean-up. In FY2012 the County saved about \$157,000 using CSCD for clean-up.

Public Works employees fabricated a machine to cut tires in half. They call it the Tire Shark. Last weekend they collected 780 tires on citizen drop-off day. It costs \$31 a ton to dispose of tires. Over 17,000 tires have been halved since 2009. Since the inception of the Tire Shark, Public Works employees have saved the County \$80,000.

Mr. Kleinheksel showed slides depicting nuisance abatements. One particular clean-up cost over \$50,000. Prior to 2009 the County's approach to clean-up was reactionary. Public Works would just clean everything up. The approach now is proactive. Public Works joined forces with the Sheriff's Department and Deputy Lee Howe was appointed to spearhead the project to prevent illegal dumping throughout the County.

Mr. Kleinheksel spoke about continuing education and training, community outreach and judicial system coordination. Eric Nishomoto, Collin County Public Information Officer, helped Public Works receive a grant which they used to shoot a public service TV commercial which reached approximately 1.4 million households. There is a website dedicated to illegal dumping with a hotline to the Sheriff's Office.

Because of the EE Program, Road and Bridge personnel previously occupied with illegal dumpsite clean-up can be reassigned to core road and bridge maintenance functions.

Judge Self asked how many convictions we have had. Rick Allen, Sheriff's Office Chief Deputy, said we haven't corresponded with the JP's to determine what their judgment is on rendering a guilty verdict or the amount of money they have collected in fines or if there's jail time. We can collaborate with them to find out what they're generating. Judge Self said the next public service announcement should say this man went to jail and it should say what the fines are. Judge Self would like to learn those figures. Major Chuck Ruckel said when they started this program, the Commissioners' Court asked them to capture what it costs them to clean up a site and how much they get back from the courts in recovery costs. They had numbers showing what they received back from the courts. They haven't kept records on the number of convictions. Commissioner Jaynes wants to see hard statistics. Chief Allen said they need to meet with the JP's. Commissioner Webb liked the Judge's comment of publicizing enforcement in handcuffs.

Continuing with the presentation, Mr. Kleinheksel said since the program has been in effect 900 illegal dumpsites have been removed. For FY2012 the number has come down another 110. The County inaugurated the EE program with an initial first year investment of \$140,000. The average cost to clean a dumpsite is \$454. With a decline of 900 illegal dumpsites, minus the initial cost of investment, Collin County realizes a monetary savings of \$268,000. Add to that the annual CSCD labor savings and fines/recovery costs, and the total savings is \$457,199.

Judge Self thinks the program is working. The Judge thinks the next step is publicizing those convictions, fees and fines. (Time: 2:40 p.m.)

NO ACTION TAKEN

7. AI-34936 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Judge Self had an update on the Medicaid 1115 Waiver. The Judge said there is going to be another draft map out on the 25th. They are confident that Collin County will be in a separate RHP from Dallas County. The next conference call is April 17th at 10:30 locally and there will be a statewide conference call at 2:30. Judge Self said this is solidifying. (Time: 2:42 p.m.)

NO ACTION TAKEN

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

Commissioner Webb attended the RTC meeting last Thursday. He gave the court agenda and his notes, along with blue sheets, to Court members. The Commissioner highlighted the parts of the meeting pertaining to Collin County. Items discussed included an emergency loan to NETEX (Northeast Texas Rural Rail Transportation District); the use of federal money for low income people to help fund their ability to use transit to go to outlying areas for jobs; proposed allocation of \$600 million of additional funding to this region; and TxDOT applying additional funds to do more funding for US 75 between 275, north of Melissa Road, and from north of Melissa Road to the Outer Loop. It was an additional \$12 million. (Time: 2:57 p.m.)

NO ACTION TAKEN

9. Board/Committee Appointments, Commissioners Court:

Judge Self asked Commissioner Shaheen about the CUC (Conference of Urban Counties) committees. The question was do we need to think about having more of the Commissioners sign up for these committees. Commissioner Shaheen is on the Policy Committee. Other committees have been formed that will report up to the Policy Development Committee. Commissioner Shaheen volunteered for Health Care and 1115 Waiver. Another is jail standards. Sheriff Box is providing input. Commissioner Jaynes asked if it has to be elected officials on these committees. Commissioner Shaheen said he would have to find out. The Commissioners discussed the various committees and what they would volunteer for. (Time: 3:01 p.m.)

NO ACTION TAKEN

a. AI-35079 CUC Committees.

NO ACTION TAKEN

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

Mr. Bilyeu said the interim study is attached and he explained the various items on the list. Judge Self told the Commissioners depending on the CUC committee you signed up for, you should make it your own and start following it. (Time: 3:03 p.m.)

NO ACTION TAKEN

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

For possible future agenda items, Commissioner Williams thinks it's important that each Monday the Commissioners get notification of potential hearings that they might need to attend or those that have public input. She asked Mr. Bilyeu to keep them updated on potential hearings they might want to attend.

Commissioner Webb has an appointment for the Health Care Foundation Advisory Board and Commissioner Williams has an appointment for the Planning Board. Commissioner Jaynes wants to hear more about the NETEX project. (Time: 3:05 p.m.)

EXECUTIVE SESSION

Judge Self recessed into Executive Session under Paragraph 551.074 of the Local Government Code which is Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Time: 3:05 p.m.)

Personnel (551.074)

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

AI-35092 Employment Issue, Justice of the Peace, Precinct 3-1.

COURT ORDER NO. 2012-235-04-16

Commissioners' Court was reconvened at 3:33 p.m. Judge Self asked for a motion to create a temporary position in the Human Resources Department. Commissioner Williams made that motion. (Time: 3:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Matt Shaheen

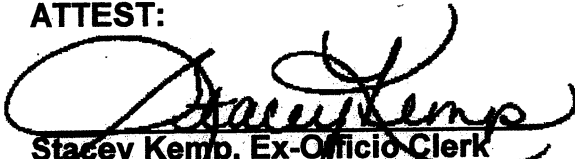
Vote: 3 – 0 Passed

Commissioners Webb and Jaynes were not present in the courtroom.

There being no further business of the Court, Judge Self adjourned the meeting at 3:35 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