

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES

COUNTY OF COLLIN

JULY 23, 2012

On Monday, July 23, 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

Commissioner Webb led the Invocation.

Judge Self led the Pledge of Allegiance.

Commissioner Shaheen 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. and adjourned the meeting at 2:18 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:18 p.m. and adjourned the meeting at 2:19 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:19 p.m. and adjourned the meeting at 2:21 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35431 Personnel Appointments, Human Resources.
2. AI-35520 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-35427 Addendum No. 1 & 2 to Services: Prisoner Transport (IFB No. 04251-12) to change the Bid due date and add revised specifications, Purchasing.

3. AI-35438 Change Order No. 1 & 2 to Replacement of Fuel Tank Dispensers and Fuel Tank Monitoring Systems (IFB No. 12075-12) to allow for the isolation of electrical wiring between 2 pumps to allow independent operation of each pump, replace/pull new wiring to auto tank monitoring system at gasoline island, Public Works.

4. AI-35457 Collin Central Appraisal District (CCAD) 2013 Proposed Budget, County Judge.

5. AI-35518 North Texas Groundwater Conservation District Annual Financial Report for the year ended December 31, 2011, County Judge.

2. Public Comments. Lucas resident, Lou Zriny, brought to the Court's attention her issues with her neighbor's sewage sprinklers that spray onto her property every morning. Mrs. Zriny stated that the law allows for residents to place septic sprinklers 25 feet from their land line and because of this her neighbor's sprinklers reach onto her property. She has a special needs daughter and is upset because she feels she cannot take her daughter outside because she is unsure of when the sprinklers will turn on. She asked the Court to address the issue by possibly making a law that requires septic sprinklers to be installed farther away from the property land line of neighbors, asking builders to put bushes or trees along the property line to block the sprinklers, or possibly requiring builders to put a timer on the sprinklers to only come on at night time so as not to interfere with neighboring properties. Judge Self stated that because the item is not on the agenda the Court cannot exchange dialogue with her on this issue. However, he did advise Mrs. Zriny to contact Misty Brown, Developmental Services, who would be able to bring this issue back to the Court. (Time: 1:35 p.m.)

Judge Paul Raleeh, Justice of the Peace Precinct 1, expressed his appreciation to the court for approving the construction project that recently took place on the front doors of his office. Furthermore, he thanked Dan James, Facilities Director, and his construction team for the outstanding job they did not only on the construction but also on protecting his office from the debris associated with the job. (Time: 1:35 p.m.)

3. Presentation/Recognition. There were no presentations/recognitions.

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda and pulled items 4g2, 4e1, 4h1, and asked that the supplemental agenda item 4a11 be included in the motion if no one wanted to pull it for discussion. Commissioner Webb requested the Schindler check be pulled from 4a, as well as items 4e4, 4h1, 4j1, and 4k1.

There being no further comments, a motion was made to approve the remainder of the consent agenda including the supplemental agenda item, 4a11. (Time: 2:09 p.m.)

Motion by: Commissioner Duncan Webb
Seconded by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

a. **AI-35444** Disbursements for the period ending July 17, 2012, Auditor.

All disbursements were approved under the consent agenda with the exception of the disbursement to Schindler Elevator. (Time: 2:09 p.m.)

COURT ORDER NO. 2012-441-07-23

Commissioner Williams made a motion to approve the disbursement to Schindler Elevator. (Time: 2:09 p.m.)

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

COURT ORDER NO. 2012-442-07-23

b. **AI-35451** Tax refunds totaling \$86,478.98, Tax Assessor Collector.

COURT ORDER NO. 2012-443-07-23

c. **Advertisement(s):**

1. **AI-35340** Services, Outpatient Substance Abuse (RFP No. 06273-12), 366th District Court.

COURT ORDER NO. 2012-444-07-23

2. **AI-35439** Service: Armored Car (IFB No. 06293-12), Auditor.

COURT ORDER NO. 2012-445-07-23

d. **Award(s):**

1. **AI-35440** Food: Bread Products (IFB No. 04201-12) to Earthgrains Baking Companies, Inc., Sheriff.

COURT ORDER NO. 2012-446-07-23

e. Agreement(s):

1. **AI-35429** Amended and Restated Tax Abatement Agreement for Reinvestment Zone No. 111 with the City of Plano, Collin County and Capital One, National Association to consolidate the abatements for the separate phases of the Capital One project into one agreement and further authorize the County Judge to finalize and execute same, Budget.

Judge Self asked for clarification regarding the restatements. Commissioner Webb replied that three different abatements were consolidated, but the other piece included employment when the county adopted their incentives. The City of Plano no longer includes the employment piece, so that was segregated to impact only the county. Commissioner Shaheen asked a question regarding the jobs and whether it covered all the phases because he only saw it listed under the Phase 2 section of the document and not the Phase 3 section. Commissioner Williams stated her understanding was the number of jobs was the same, regardless of the phasing. Commissioner Shaheen asked if this meant that each phase would bring in 200 jobs to which Commissioner Williams stated she understood it to mean that the total previously was 200 jobs and even after consolidation it was still 200 jobs. Commissioner Shaheen pointed out that the document designates 200 jobs just to Phase 2 and not Phase 3; therefore he wanted to know what the requirements were for Phase 3. Commissioner Williams asked Mr. Bilyeu if he had this information with him and he stated he would need to pull it and look at it. Judge Self asked to hold this item until the court received additional information from Mr. Bilyeu. (Time: 2:12 p.m.)

HELD

2. **AI-35442** Interlocal Agreement with the City of Wylie to provide GIS services and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2012-447-07-23

3. **AI-35423** Interlocal Agreement with the Melissa Independent School District (ISD) for Health-Related Data Sharing and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2012-448-07-23

4. **AI-35453** Personal Services Agreement with Andrew Don Smith, Sr. (AGR No. 06274-12) for autopsy assistant services at the Collin County Medical Examiner's office through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

Commissioner Webb pulled this item so he could ask budget to make sure to get the medical examiner's budget correct. He stated this is the second time an amendment to the medical examiner's budget has come before the court.

It is obvious it was under budgeted from the start. With this, Commissioner Webb made a move for approval. Monika Arris, Budget, stated that this year they will be increasing his budget; in the past Dr. Rohr has been reluctant to ask for increases in his budget even though he provides mandatory services necessary to the county. However, she assured once again that they will be increasing his budget this year. (Time: 2:13 p.m.)

Motion by: Commissioner Webb
Seconded by: Commissioner Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-449-07-23

f. Amendment(s):

1. **AI-35448** No. 1 to Services, IT Tech Assistance: IPCC Enterprise CVP/IVR/VXML Studio Audium (RFP No. 06224-11) with MGS Services to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2012-450-07-23

g. Change Order(s):

1. **AI-35454** No. 3 to Dairy Products: Milk (IFB No. 05610-09) with Milk Products, LP to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute the same, Sheriff.

COURT ORDER NO. 2012-451-07-23

2. **AI-35458** No. 31 to Construction: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Price Change Orders in the amount of \$396,334 to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

PULLED

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

1. **AI-35402** \$1,093 to replace printer, Justice of the Peace, Precinct 1.

Judge Self stated that the amount needs to be changed to \$1,327 to include the maintenance and not just the hardware. A motion was made to approve the item. (Time: 2:14 p.m.)

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

COURT ORDER NO. 2012-452-07-23

i. Receive and File, Auditor:

1. Final Audit Result(s):

a. **AI-35433** Child Protective Services Board (1st Quarter through 4th Quarter FY2011).

COURT ORDER NO. 2012-453-07-23

b. **AI-35432** County Clerk (2nd & 3rd Quarter FY2011).

COURT ORDER NO. 2012-454-07-23

c. **AI-35436** Justice of the Peace, Precinct 4 (1st Quarter FY2012).

COURT ORDER NO. 2012-455-07-23

d. **AI-35434** Sheriff (1st & 2nd Quarter FY2012).

COURT ORDER NO. 2012-456-07-23

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

1. **AI-35426** June 25, 2012.

Commissioner Webb stated that an addition to page 369 (9 of 10 of the minutes) needs to be made. The minutes state that "a month ago the Court authorized the sale of \$5 million worth of county bond transportation funds." The minutes should read "an *additional* \$5 million." With this addition a motion was made to approve. (Time: 2:15 p.m.)

Motion by: Commissioner Duncan Webb

Seconded by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-457-07-23

k. Miscellaneous

1. **AI-35472** Interlocal Agreement with the City of Farmersville for Reinvestment Zone No. 1 and further authorize the County Judge to finalize and execute same, Administrative Services.

Commissioner Webb said he previously had made it clear that he would only support this item if the Court had a say in any modifications to the financial aspect of it, i.e., when more money comes in or any additional expenditures in terms of reallocating or spending. Commissioner Webb wanted to make sure that the Court would have a voice as to where these additional funds were going because it isn't specifically notated in the agreement; it has only been presumed through the Court.

Commissioner Williams said the City of Farmersville has been provided with this language and the Court understood that it was going to be included in the agreement. It is possible that it was just an oversight. Edie Sims, City Secretary for the City of Farmersville, approached the podium and stated that she was not given this information originally, but she would be happy to amend the agreement and have the wording added.

Judge Self then asked about the associated storm sewer projects and if that means utility relocation or providing sewers. Ms. Sims stated that it means providing sewers. Mr. Bilyeu commented that the Court's discussion while creating the TIRZ (Tax Increment Reinvestment Zones) was that the Court didn't want their money going to that portion of the project. Judge Self agreed and responded by saying that the Court did not agree to providing sewer services and the funds should be limited to roadways. A motion for approval was made under the condition that the language in the agreement about storm sewers be eliminated. Furthermore, Commissioner Williams stated that the language "Commissioners' Court" needs to be added under the document's 4A Project Plan. The language should read, "The project plan and finance plan may not be amended without the prior approval of the City Council and the county Commissioners' Court." Mr. Bilyeu wanted to clarify that the City of Farmersville is going to use a portion of their money for the sewer project. The agreement will be sent back to the Court with an amended section that shows that the city can still use their funds for sewer projects; however, the county will not be a part of it. Commissioner Shaheen commented that the wording is listed under the county section, so once the wording is removed from the county section the county will be free from obligations for that specific portion of the project. (Time: 2:18 p.m.)

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

COURT ORDER NO. 2012-458-07-23

2. **AI-35473** Correct the metes and bounds for Reinvestment Zone No. 1 with the City of Farmersville as approved per Court Order No. 2012-120-02-20, Administrative Services.

COURT ORDER NO. 2012-459-07-23

3. **AI-35455** Adoption of the revised FY2012 Collin County Investment Policy, Auditor.

COURT ORDER NO. 2012-460-07-23

4. **AI-35391** Grant application for the PETCO Adoption Partners Grant Program and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2012-461-07-23

5. **AI-35437** Rescind Court Order No. 2012-152-03-12 for approval of an 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), Engineering.

COURT ORDER NO. 2012-462-07-23

6. **AI-35452** Re-designation of Private Road 5593 to Stark Place Road (with associated updates), GIS/Rural Addressing.

COURT ORDER NO. 2012-463-07-23

7. **AI-35456** Acceptance of the Solid Waste Implementation Grant Project funds in the amount of \$35,000, approval of an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) and further authorize the County Judge to finalize and execute same, Public Works.

COURT ORDER NO. 2012-464-07-23

8. **AI-35459** Amended ten year repayment plan with the City of Weston to remove County Roads 216 and 1096 and adjust payment schedule, Public Works.

COURT ORDER NO. 2012-465-07-23

9. **AI-35464** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-466-07-23

10. **AI-35465** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-467-07-23

Supplement Agenda Item:

11. **AI-35532** Utilization of the State of Texas DIR cooperative contract for the purchase a new Tandberg Content Server and further approve the trade-in of the old Tandberg Content Server for a credit in the amount of \$16,344, Information Technology.

COURT ORDER NO. 2012-469-07-23

GENERAL DISCUSSION

Presentation, discussion and any action regarding:

5. **AI-35409** Funding recommendations (totaling \$34,000) for the FY2012 Historical Commission grant program recipients, Historical Commission.

Michael Black, Collin County Historical Commission, came forward. The grants committee received 15 applications this year, totaling \$42,197.

After the applications were reviewed and a committee meeting was held, there were 12 grants totaling \$34,000 that met the criteria to receive the grants. Mr. Black then stated that these applications are then forwarded to the Court for final approval.

Judge Self mentioned that the grants are listed as 2012 budget and wanted to know the budgeted amount for this specific line item. Paula Ross, Chairman of the Historical Commission, stated that the line item budget for 2012 was \$24,000. The \$34,000 that the court was seeing came from other funds in the budget that were not spent. For example, the Historical Commission did not have a conference this year which was originally budgeted and there were a few other items that the committee did not fully fund. Money was reassigned to this grant program to help other smaller groups in the county do some of their projects. Ms. Arris stated that the current balance sits at \$36,075.51 so funding is available for this request.

A motion was made to approve the funding requested. Judge Self stated that he believed the court has lost sight of why the program was originally started. That is, the program was originally started to give county dollars to the smallest and neediest organizations and historical locations in the county. The program has now grown and continues to grow as evident by the growing number of funds requested over the past few years. For example, in 2009 it was \$12,000, in 2010 it was \$20,700, in 2011 it was \$26,000, and in 2012 it is \$34,000 (with some of the funding from 2011 being rolled in to this figure.) Judge Self stated that he believed that the program has gone from helping some of the smallest and neediest organizations to where the match for one of these programs is less than \$5,000 against the city's match of \$17,000.

He urged the court to re-examine the program and what it was intended to be. He stated that it didn't start out to be like the Transportation Bond project where the match is 50-50 or better. (Time: 1:41 p.m.)

Motion By: Commissioner Cheryl Williams

Seconded By: Commissioner Joe Jaynes

Vote: 4 - 1 Passed

Nay: Judge Keith Self

Judge Self noted his vote against the funding was based on the fact that he would like to see the program adhere to the current policy, or for the Court to adopt a new policy, to be able to continue to increase this program in the future. (Time: 1:42 p.m.)

COURT ORDER NO. 2012-468-07-23

6. AI-35321 FDR (Full Depth Reclamation) Operations presentation, Public Works.

Jon Kleinheksel, Public Works, provided an update on the Full Depth Reclamation (FDR) program. He stated that equipment was purchased in the later part of calendar year 2011, thus Public Works is about six months into the program.

He provided a quick overview of the FDR which is a reclamation process that reclaims existing material (asphalt) and uses it as a sub-base. That is, failed asphalt is rejuvenated so that it may be recycled to use for the new roadway without having to haul out old material. He listed some of the cost advantages of this program. Prior to the FDR, the reclamation process was outsourced and roughly 5-8 miles were finished per year. The cost for the outsourcing was roughly \$170,000 a mile. By using internal forces the cost to the county is about \$43,000 a mile, a considerable savings.

Roughly 19 miles have been completed on 13 individual roads since the program has been in effect. Mr. Kleinheksel stated that he hopes the project can finish 35 miles per year. The total savings to Collin County, less the purchase price of one million dollars, within the initial six months of this program has been \$2,413,000.00.

A short video was then shown to highlight how the equipment operates. In the past, debris from the distressed roadways had to be hauled off, but with the current project it can now be reclaimed to create better roadways. The equipment goes about 40 feet a minute which allows for 1,500 road miles a day. This constitutes roughly a ¼ mile a day being reclaimed. Mr. Kleinheksel noted the only issue with the project so far has been that since the asphalt comes in at 300-350 degrees, last week alone they had three cases of heat exhaustion. The crews are now starting earlier and working to get the asphalt down before lunch time to avoid the hotter parts of the day.

Mr. Kleinheksel continued by stating that overall the project has been a great success and a great tool at Public Works' disposal. Three crews have been trained already. Commissioner Shaheen asked how much roadway would be finished in a season. Mr. Kleinheksel responded that he believed 35 miles of actual reconstruction would be completed, but they are also trying to use this process in the building and construction of new roadways.

Commissioner Shaheen asked for clarification on the current costs of the project, not including the depreciation of the actual asset (equipment.) Mr. Kleinheksel stated the current cost is roughly \$42,700 but that he didn't have the exact amount with him. Commissioner Shaheen then asked how long the machines are supposed to last and Mr. Kleinheksel stated that Caterpillar gave an estimate of 5-10 years depending on the care and maintenance of the equipment. Commissioner Shaheen commented that with the life of the machine, even with the added depreciation of \$100,000 a year, assuming the machine lasts ten years, would still end up paying for itself. (Time: 1:55 p.m.)

NO ACTION TAKEN

7. AI-35285 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Bill Bilyeu, County Administrator, came forward with his weekly update.

He stated that last Thursday, July 19, the first workshop was held and all the stakeholders were invited plus anyone who might want to participate in the DSRIP (Delivery System Reform Incentive Payment) or had DSRIP money available. All the counties were represented and those in attendance included mental health authorities, hospitals, and some non-profit clinics. Lisa Kirsch, from HHSC (Health and Human Services Commission), participated in two conference calls and a big subject was whether or not IGT (Intergovernmental Transfer) tax dollars could cross county or RHP (Regional Health Partnership) lines. She confirmed they could, but they weren't planning on changing anything which was a relief to all the hospitals in attendance.

On Friday, July 20, the biweekly anchor conference call occurred and went well. There was a question as to how UC (uncompensated) dollars would be distributed. The response was that there was no cap on uncompensated dollars. Mr. Bilyeu stated that he did research for Judge Self on DSH (Disproportionate Share Hospital) funding which is going away on the 1115 Waiver. Hospitals that serve more Medicaid patients than the statewide and regional hospital average are eligible for these payments. However, this program is being discontinued. Eight of the big hospital districts are part of the funding and match the state which is used to pull down federal dollars. Texoma Medical Center in Grayson is the only hospital that is receiving this money. The hospitals in our RHP do not have that many to bump their percentage up as would be seen in other counties with a higher demographic of individuals on Medicare or Medicaid.

Judge Self wanted to clarify that the DSH is going away; furthermore, he wanted to make sure that the hospitals and the people that surround the hospitals understood the difference between the Upper Payment Limit (UPL)/1115 UC versus the DSH.

Mr. Bilyeu continued by stating that there was good feedback from IGT providers, including LifePath, and that mental health dollars can be used as tax dollars and put up for projects to get matched. During the workshop, Dr. Randy Routon, LifePath, got up and stated that they are looking for partners because self-providing is not allowed. Mr. Bilyeu explained that an outside company has to be hired and that is how money gets matched. For example, our county health department cannot say we are going to do a specific service and then use the Medicaid match. Whoever is hired spends the money and at the end of the year the money is measured and if the goals are met then the federal government will put up the match. Mr. Bilyeu stated that overall the feedback was positive and our RHP is seen as being ahead of most others. (Time: 2:00 p.m.)

NO ACTION TAKEN

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

Commissioner Webb began by stating that the RTC put up an additional \$640,000 to put towards the three station concept serving downtown Dallas, Fort Worth, and DFW airport. The money is coming strictly from Dallas and Tarrant County so Collin County is not impacted at all. Dallas and Tarrant County are trying to figure out how to bring in a high speed rail into the Metroplex. The other item of interest was item #7 in which the RTC approved to move forward with Phase 2 and 3 of the analysis and implementation of the conversion of the Cotton Belt Line into a rail service. The most important thing is that it does not specifically bind RTC to commit any specific resources to it or any specific station locations. It merely allows staff to begin negotiating with outside third party investors who are expressing interest in bringing a high speed rail or commuter rail to the Cotton Belt.

Commissioner Webb continued by saying that an Executive Session occurred in which the RTC approved a motion to move forward with procuring FRA compliant rail vehicles for the purpose of bringing manufacturing and maintenance facilities here for the entire United States. As a result of this authorization the staff can begin to work with the U.S. Secretary of State's office, the Governor's office, and the three transit authorities in putting together an incentive package to try and bring this worldwide manufacturer into the country. (Time: 2:07 p.m.)

NO ACTION TAKEN

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

Judge Self asked if there is a date set yet. Mr. Bilyeu stated right after the runoff. (Time: 2:07)

NO ACTION TAKEN

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

Commissioner Jaynes requested discussion on mutual boundary roads, specifically the Van Alstyne section. He stated Mr. Kleinheksel has some information on this and the Court needs to eventually make a decision. Judge Self would also like to add the update on Garland as well. (Time: 2:07 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:18 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