

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 5, 2012

COUNTY OF COLLIN

On Monday, November 5, 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.

1. 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 2:54 p.m. and adjourned the meeting at 2:54 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:55 p.m. and adjourned the meeting at 2:55 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35949 Budget amendment in the amount of \$1,200 for a donation from the District Attorney Forfeiture Fund to benefit The Turning Point (Rape Crisis Center of Collin County), District Attorney.

2. AI-36011 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-36009 Exercise of the option for the UDCF Building, Administrative Services.

3. AI-35941 Public Works will be performing Mutual Boundary Work and Road Repair for Aztec Trail (CR 303), Paul Wilson Road (CR 384) and St. Paul Road (CR 277) per a request from the City of St. Paul, Public Works.

Judge Self asked Jon Kleinheksel, Public Works, about multiple entities on Paul Wilson Road. Mr. Kleinheksel replied the multiple entities were: St. Paul, the City of Wylie, Collin County and North Texas Municipal Water District. They don't have a part of the road but they are partnering with the program. (Time: 2:15 p.m.)

4. AI-35992 Budget amendment(s)/adjustment(s) totaling \$100,000 (over \$5,000 per c/o 2005-589-08-01), Budget.

2. Public Comments. Public comments were heard under General Discussion Item No. 7.

3. Presentation/Recognition:

a. Service Pins, Human Resources.

Jon Kleinheksel, Public Works, presented service pins to the following Public Works employees: Francisco Berumen, an equipment operator, for ten years of service; John Hackney, a food services equipment tech, for ten years of service; and Bobby Jones, a foreman, for 25 years of service. (Time: 1:34 p.m.)

4. Consent agenda to approve: Judge Self pulled FYI 3 for discussion and stated 4c5 would be deleted from today's agenda. The Judge pulled 4c6 for discussion and asked for comments on the consent agenda. Commissioner Webb pulled 4h1, a disbursement to Schindler and a p-card disbursement. Commissioner Williams didn't pull any items for discussion, but she wanted to recognize Councilman Kevin Dudley from Josephine who was in the audience today. A motion was made to approve the remainder of the consent agenda. (Time: 2:14 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

a. AI-36007 Disbursements for the period ending October 30, 2012, Auditor.

Commissioner Webb was concerned about a p-card transaction for the iTunes store. He asked if there was a policy in place related to the use of a county p-card and linking it to an iTunes account. Caren Skipworth, IT, stated there is not currently a policy in place regulating procurements from iTunes. iTunes is used to purchase the applications required to service the iPads the county purchases and owns. Those purchases are

done on a p-card. Commissioner Webb stated the purchase in question was not done in the IT Department. Jeff May, County Auditor, also said there is not a policy in place. Commissioner Webb doesn't want a p-card used for an iTunes account. Michalyn Rains, Purchasing, said the p-card policy can be reviewed and updated. Judge Self wanted to know what was purchased. Mr. May replied his staff looks at all transactions to make sure they are for county business. Following discussion, a motion was made to approve. (Time: 2:18 p.m.)

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

COURT ORDER NO. 2012-802-11-05

All disbursements with the exception of Schindler Elevator were approved with the consent agenda vote. A motion was made to approve the disbursement to Schindler Elevator. Commissioner Webb did not participate in the vote. (Time: 2:18 p.m.)

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

COURT ORDER NO. 2012-803-11-05

b. **AI-35983** Tax refunds totaling \$39,036.55, Tax Assessor Collector.

COURT ORDER NO. 2012-804-11-05

c. Agreement(s):

1. **AI-35968** Contract No. 2013-042665-001 with the Department of State Health Services (DSHS) for DSHS Program Vital Statistics Unit for on-line computer services for certification of vital records and further authorize the County Judge to finalize and execute same, County Clerk.

COURT ORDER NO. 2012-805-11-05

2. **AI-35961** Interlocal Agreement with the cities of Austin, El Paso, Houston and San Antonio for Law Enforcement Data Sharing and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2012-806-11-05

3. **AI-35952** Memorandum of Understanding with East Valley Gang and Criminal Information Fusion Center and the North Central Texas Fusion Center for sharing law enforcement information through a COPLINK Solution Suite and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2012-807-11-05

4. **AI-35887** Host Agency Agreement with Experience Works for the purpose of a joint engagement in the Senior Community Service Employment Program (SCSEP) and further authorize the County Judge to finalize and execute same, Human Resources.

COURT ORDER NO. 2012-808-11-05

5. **AI-36000** Novation Agreement for Services, Cafeteria Management (RFP No. 06306-12) to change the name from The Vitasek Investment Company, Inc. (dba Rose Food Service) to Vitasek Leasing Company, Inc. and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

HELD

6. **AI-35899** Interlocal Cooperation Agreement with the City of Lowry Crossing for Road Improvements, a payment plan in the amount of \$778,539.58 over 10 years at an interest rate of 3.5% and further authorize the County Judge to finalize and execute same, Public Works.

Jon Kleinheksel, Public Works, came forward with a recap. This agreement was initiated through mutual boundary discussions with each city. Mr. Kleinheksel met with the Mayor of Lowry Crossing and his staff and talked about the mutual boundary program. This proposal evolved into a more all-encompassing repair than just the mutual boundary road. Of the \$778,539.58, \$165,067.55 is designated for mutual boundaries; the remaining amount is earmarked for municipal road projects that are 100% within the limits of Lowry Crossing. Mr. Kleinheksel met with representatives from Lowry Crossing and explained if we move forward with this, they would have to prioritize their city road projects. The County would do one to three roads per year through this agreement so there wouldn't be a big impact on our budget or resources. Mr. Kleinheksel answered questions from Court members. He stated currently there are five cities that the County currently has outstanding city work on. There was a list seven pages long from other cities requesting services.

Commissioner Williams noted this is a critical service for some of our smaller communities who need our assistance.

Mayor Derek Stephens, Lowry Crossing, came forward. The Mayor was happy with the agreement. He stated the bond request is based on a county estimate. The initial request was larger but Lowry Crossing was able to pave their main thoroughfare themselves. They believe it will be more financially responsible for the city and the county to do the project at once. Lowry Crossing has made some of their financial decisions with the hope of reaching an interlocal agreement with the county.

Commissioner Jaynes stated he appreciates the Mayor's work and he made a motion to approve. (Time: 2:28 p.m.)

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

COURT ORDER NO. 2012-809-11-05

7. **AI-35969** Interlocal Cooperation Agreement with the City of Josephine for Road Improvements, reconstruction of two (2) Mutual Boundary roads and seal-coat one road, a payment plan in the amount of \$111,110.08 over 10 years at an interest rate of 3.5% and further authorize the County Judge to finalize and execute same, Public Works.

COURT ORDER NO. 2012-810-11-05

d. Amendment(s):

1. **AI-35946** No. 1 to Agreement, Admin Duties for RHP 18 (Contract No. 06301-12) with Public Information Associates to increase cost for Milestone 1 and further authorize the Purchasing Agent to finalize and execute same, Administrative Services.

COURT ORDER NO. 2012-811-11-05

2. **AI-35994** No. 3 to the Interlocal Agreement for Emergency Medical Services (EMS)(Contract No. 06663-09) with the Town of Prosper 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, Fire Marshal.

COURT ORDER NO. 2012-812-11-05

3. **AI-35948** No. 3 to the Interlocal Agreement with the City of Frisco (Agr. No. 05596-09) for Teen Court 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, Administrative Services.

COURT ORDER NO. 2012-813-11-05

e. Change Order(s):

1. **AI-35953** No. 3 to Detergent and Dispenser for Laundry and Kitchen (IFB No. 06293-10) with Ecolab Inc. 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, Sheriff.

COURT ORDER NO. 2012-814-11-05

2. **AI-35966** No. 3 to Equipment, Grounds Maintenance (IFB No. 03212-10) with Ed's Lawn Equipment to add items to the contract and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-815-11-05

3. **AI-35943** No. 3 to Vehicle Marking (IFB No. 07719-09) with Cooper's Copies & Printing to provide various changes to the contract, extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-816-11-05

f. Receive and File, Auditor:

1. **AI-35975** Monthly Financial Report for August 2012.

COURT ORDER NO. 2012-817-11-05

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

1. **AI-35955** October 8, 2012.

COURT ORDER NO. 2012-818-11-05

2. **AI-35988** October 15, 2012.

COURT ORDER NO. 2012-819-11-05

h. Miscellaneous

1. **AI-35996** Update FY2013 Library funding distribution to exclude the City of Frisco, Budget.

Commissioner Webb stated since the City of Frisco would not be receiving funds as originally allocated in the FY2013 budget, rather than reallocating Frisco's funds to the other libraries, the Commissioner wanted to reduce the allocation by the amount that would have been paid for Frisco. Commissioner Williams agreed.

Beth Scudder was present to speak on behalf of the library association. Ms. Scudder said last year's funding formula was different. In FY2012, the City of Plano withdrew. At that time, the Court reallocated those resources among the remaining nine libraries. During this year's budget workshop, Ms. Scudder came back and talked about a new funding formula which is based just on the unincorporated areas. Ms. Scudder explained how they arrived at the new formula.

Commissioner Shaheen stated he would prefer to reallocate the dollars. Instead of the county building libraries, we partner with our cities. Following discussion, Judge Self said 41,000 people would still be served. Commissioner Williams would prefer going

forward that we identify how much usage is occurring at the libraries. It's currently based on zip code.

Commissioner Webb said this is not a core function of county government so he would not support reallocating the funds. The Commissioner made a motion not to reallocate. Commissioner Williams seconded. (Time: 2:36 p.m.)

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

Commissioner Shaheen stated libraries are a core function of county government. The Commissioner made a motion to approve reallocating the funding among the remaining libraries. (Time: 2:36 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Joe Jaynes
Vote: 3 -2 Passed
Nay: Commissioner Duncan Webb
Nay: Commissioner Cheryl Williams

COURT ORDER NO. 2012-820-11-05

2. **AI-35998** Sale of Struck Off Property being G Avenue, Block 6, Lots 12A and 13A of the Aldridge Addition to the City of Plano, Texas as described in the Warranty Deed recorded as Instrument No. 20110815000858200 (Account No.: R-0010006012A1/R-0010006013A1) of the Collin County Deed Records to Habitat for Humanity in the amount of \$9,000 and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2012-821-11-05

3. **AI-35973** Final plat for the John Christie Addition, Engineering.

COURT ORDER NO. 2012-822-11-05

4. **AI-35964** Acceptance of the FY2013 Juvenile Accountability Block Grant in the amount of \$31,190 from the Criminal Justice Division of the Governor's Office for grant period beginning September 1, 2012 through and including August 31, 2013 and further authorize the County Judge to finalize and execute same, Juvenile Probation.

COURT ORDER NO. 2012-823-11-05

5. **AI-35984** 2012 Tax Roll, Tax Assessor Collector.

COURT ORDER NO. 2012-824-11-05

6. **AI-35993** Reclassification of a Juvenile Detention Officer II position (Grade 538) to a Juvenile Probation Officer II position (Grade 538) in the Juvenile Probation department, Human Resources.

COURT ORDER NO. 2012-825-11-05

7. **AI-36012** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-826-11-05

8. **AI-36013** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-827-11-05

GENERAL DISCUSSION

5. **AI-35974 PUBLIC HEARING** – to hear testimony regarding the changes to the Collin County Subdivision regulations and subsequent approval of the changes, Engineering.

Tracy Homfeld, Engineering, came forward. She is bringing this item to Court to make minor changes to the subdivision regulations with regard to the county's storm water program.

Judge Self opened the public hearing at 2:36 p.m. Hearing no comments, the public hearing was closed at 2:36 p.m.

Commissioner Shaheen asked about the naming of roads and making sure there is not a conflict. He asked Ms. Homfeld if that is checked countywide. Ms. Homfeld said she does her check countywide, by first going to the Central Appraisal District and then to the post office. The Commissioner wanted to have a section in the subdivision regulations that applies only to MUDs (Municipal Utility District) and which complied with requirements provided by Commissioners' Court. Ms. Homfeld said the Engineering Department cannot deny or approve a plat, but they can deny a drainage plan or storm water plan. Discussion followed on special districts.

Lot size was discussed for on-site sewage regulations. Commissioner Jaynes asked if a one-acre minimum lot size really meant one acre plus the square footage of the house. Ms. Homfeld said according to on-site sewage regulation, lots utilizing on-site sewage facilities shall provide for a minimum of one acre of useable surface area. If the property has a well, it's 1.5 acres of useable area for lots served by individual water systems. Ms. Homfeld asked to have that included in the regulations. Commissioner Shaheen wanted an addition that street names won't conflict with others in the county.

With those two amendments, Commissioner Williams made a motion to approve.
(Time: 2:47 p.m.)

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

COURT ORDER NO. 2012-828-11-05

6. AI-35962 PUBLIC HEARING – Placement of regulatory signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, was present to request a public hearing for the placement of regulatory signs on 17 county roads. 14 of the signs were for new construction and three were residential requests.

Judge Self asked about recommended speed limits. Mr. Kleinheksel said they often get complaints from subdivisions for speed. Therefore, they try to err on the side of caution.

Judge Self opened the public hearing at 2:48 p.m. Hearing no comments, the public hearing was closed at 2:48 p.m.

Commissioner Jaynes complimented Public Works for 14 roads which are new construction. A motion was made to approve. (Time: 2:50 p.m.)

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

COURT ORDER NO. 2012-829-11-05

7. AI-35995 Discussion to amend Court Order 92-208-02-24 Regulating Automotive Wrecking Salvage and Junkyards as amended by Court Order 93-141-11-09, County Judge.

Judge Self announced since this item was also on the agenda under Legal, the meeting would recess into Executive Session under Paragraph 551.071, Legal, to receive legal advice on any amendment to Court Order 92-208-02-24 Regulating Automotive Wrecking Salvage and Junkyards as amended by Court Order 93-141-11-09.
(Time: 1:35 p.m.)

Judge Self reconvened the meeting at 2:07 p.m.

Commissioners Jaynes and Williams were not happy with the draft received nor the existing ordinance. Commissioner Williams stated she thinks the Planning Board would be an excellent place to have this vetted and reviewed. Commissioner Shaheen agreed and made a motion to task the County Planning Board with revisiting this court order

and he made a recommendation for a rewrite. Judge Self noted the Planning Board needs to understand the state law since this is an unincorporated area, which is different than cities. Commissioner Webb wanted the Planning Board to have access to county attorney Greg Hudson. (Time: 2:09 p.m.)

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

Judge Self had public comment cards and called Mayor Joe Teske forward to speak.

Lavon Mayor Joe Teske stated his city borders four or five of the establishments under discussion. He gave an example of one near the Wylie ETJ (Extraterritorial Jurisdiction) which is adjacent to the flood plane for the spillway to Lake Lavon and Lake Ray Hubbard. There are certain rules pertaining to junk yards and how they must drain antifreeze, gasoline and oil. The Mayor had concerns about this particular establishment. Mayor Teske stated he hoped the Court would be more stringent than what is in place right now with regard to junkyards, bodies of water and runoff.

Mia Smith, Councilwoman for the City of Nevada, stated it is the general consensus of the City Council to oppose the building permit for 1500 West FM 6. There is currently a building there. Allowing them to rebuild will allow them to expand and enlarge their current salvage business. Ms. Smith stated we do not need bigger salvage yards. FM 6 is the main roadway to Nevada. To allow more salvage yards will discourage development and decrease property values. The businesses are in the ETJ and will eventually become the city's problem. The City of Nevada wants businesses that will benefit the growth of the city and encourage builders to build more homes. To change the grandfathered laws would affect all cities in Collin County. Continuing, Ms. Smith said if the Court allows a non-conforming use to rebuild, the law is meaningless. Ms. Smith asked the Court to not allow the rebuild permit to 1500 West FM 6, Nevada, Texas. She also asked the Court to not change the rules or change the grandfathered laws or any provisions within the law to allow a non-conforming use to expand, enlarge or rebuild. (Time: 2:13 p.m.)

COURT ORDER NO. 2012-830-11-05

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

Bill Bilyeu, County Administrator, came forward with an update. They had a public hearing. There are still a lot of questions from the RHPs (Regional Health Partnership). Mr. Bilyeu said Collin and Grayson Counties are in good shape with their DSRIP (Delivery System Reform Incentive Payment) proposals. Public Information Associates is working on Pass 2. (Time: 2:51 p.m.)

NO ACTION TAKEN

9. Board/Committee Appointments, Commissioners Court:

a. AI-35967 Texas Workforce Development Board.

Commissioner Webb nominated Robert Hill to the Texas Workforce Development Board. (Time: 2:51 p.m.)

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

COURT ORDER NO. 2012-831-11-05

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

NO ACTION TAKEN

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

Commissioner Webb would like to discuss capital improvement funds that go back 13 years. He wanted a detail of each amount in the fund and what it can be used for.

Commissioner Jaynes asked about "I Voted" stickers which were requested in the last court. Judge Self said they were purchased at a cost of \$600. Additionally, the Elections Department had boxes of stickers in storage which were distributed to the polling places. Commissioner Webb also wanted a discussion of iTunes, PayPal and subdivision regulations. (Time: 2:53 p.m.)

Judge Self recessed the meeting of the Commissioners' Court at 2:54 p.m. and called to order the meeting of the Health Care Foundation. Commissioners' Court was reconvened at 2:55 p.m.

EXECUTIVE SESSION

Judge Self recessed the meeting of the Commissioners' Court into Executive Session in accordance with Chapter 551, paragraph 551.072, Real Estate, of the Government Code to discuss the UDCF Building and the sale of surplus property adjacent to the Outer Loop. (Time: 2:55 p.m.)

Judge Self reconvened the meeting of the Commissioners' Court at 3:01 p.m.

Legal (551.071)

AI-36025 Receive legal advice on any amendment to Court Order 92-208-02-24 Regulating Automotive Wrecking Salvage and Junkyards as amended by Court Order 93-141-11-09.

NO ACTION TAKEN

Real Estate (551.072)

AI-35836 UDCF Building, Administrative Services.

NO ACTION TAKEN

AI-35945 Sale of surplus property adjacent to the Outer Loop, Special Projects.

A motion was made to sell the surplus property. (Time: 3:01 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 4 - 0 Passed

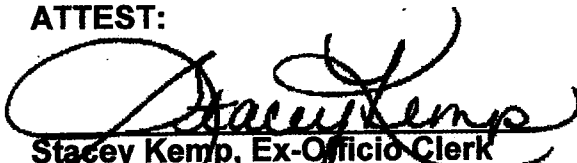
Commissioner Jaynes was not present for the vote.

COURT ORDER NO. 2012-832-11-05

There being no further business of the Court, Judge Self adjourned the meeting at 3:02 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