

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 6, 2014

COUNTY OF COLLIN

On Monday, October 6, 2014, 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 Mark Reid, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Chris Hill, Precinct 3

Judge Self led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Commissioner Reid 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 the meeting at 2:47 p.m. The meeting was reconvened at 2:49 p.m. and recessed into Executive Session at 2:49 p.m. The meeting was reconvened at 3:03 p.m. and adjourned at 3:03 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:47 p.m. and adjourned the meeting at 2:47 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:48 p.m. and adjourned the meeting at 2:48 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 2:48 p.m. and adjourned the meeting at 2:49 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-38976 Personnel Appointments, Human Resources.
2. AI-38977 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. Addenda:

a. **AI-38892** No. 1 to Detention Center Repairs and Renovations (IFB No. 2014-309) to make various changes to the Invitation For Bid, Purchasing.

b. **AI-38916** No. 1 to Insurance, Medical Stop Loss (RFP 2014-301) to make various changes to the Request For Proposal, Purchasing.

3. **AI-38803** P-Card Disbursements, Auditor.

4. **AI-38953** Voluntary Terminations, Human Resources.

5. **Notification of budget adjustment(s)/amendment(s),**

Auditor:

a. **AI-38709** \$8,000 to establish the budget for investigation expenses from the Sheriff's Office Forfeiture Fund.

b. **AI-38929** \$17,374 for the 2015 High Intensity Drug Trafficking Area/Department Enforcement Administration (HIDTA/DEA) Agreement to cover overtime expenses for one (1) task force member.

c. **AI-38960** \$31,281 to reallocate funds from the DA State Forfeiture Fund to the DA Service Fee Fund for matching contribution for the DA DWI No Refusal Grant.

d. **AI-38772** \$64,125 to establish the budget for the FY 2014 TxDOT DWI No Refusal Mandatory Blood Draw Program grant funds.

e. **AI-38867** \$126,633 to establish the budget for the FY 2015 Cities Readiness Initiative (CRI) Program.

f. **AI-38948** \$283,000 to establish the budget for the Texas Indigent Defense Commission FY 2015 Multi-year Discretionary Grant.

g. **AI-38893** \$538,709 to establish the budget for the FY 2015 Public Health Emergency Preparedness (PHEP)/Hazards Program.

2. Public Comments.

Christopher Hubley, Wylie, came forward to state his opposition of the Northeast Gateway toll road project. Mr. Hubley stated this is not consistent with the Collin County Mobility Plan. Moving forward at this time with the recommendation from the Regional Transportation Council would not be consistent with further study of the plan. The previous plan was to improve the existing arterials because that was deemed sufficient.

Mr. Hubley understands that Highway 78 will have the service level of F but does not feel it warrants a toll road alone. US75 and many other more congested corridors in Collin County have a level of service of F with no new tollways being proposed. In fact, the proposed toll lanes for US75 were taken off the table with the Court's support. In looking at the numbers this road will go bankrupt. Support cannot be given to a road that is unfeasible. Mr. Hubley shared a petition with 4,000 signatures opposing the Northeast Gateway toll road project. He requested the Court to listen to the desires of the people as many are concerned with a private company taking land by eminent domain for private profit purposes. In addition, no one has seen the final feasibility study on the project. An informed decision cannot be made without that study. Mr. Hubley urged the Court to be cautious when a private company is involved as opposed to a public entity. (Time: 1:40 p.m.)

Christine Hubley, Wylie, is also opposed to the Northeast Gateway toll road. Ms. Hubley felt the Court has all information needed to oppose the toll road. This road is not wanted by the ones it is supposed to benefit. Lavon, Wylie, Nevada and Josephine have either passed a resolution opposing the road or are working on a resolution to oppose. Internal discussions acquired by a public information request have Michael Morris, Director of the Regional Transportation Council, stating a toll road to Greenville or Hunt County is not needed yet the numbers that were released reflected a need. Those numbers are very suspicious compared to other trusted source numbers.

Ms. Hubley said the toll road will be a financial burden on citizens. It will go bankrupt like Camino Colombia did and like State Highway 130 is about to do or it will rely on free public money to make up the numbers. An internal email from John Crew, Chairman, TTC (Texas Turnpike Corporation) Board of Directors, shows that he is interested in pursuing tax increment reinvestment zones. That is tax money from the Court's constituents going directly to Mr. Crew's project.

Ms. Hubley expressed her concern for Equest Therapeutic Riding Center that is located just south of Collin County. The TTC has said that going through Equest is the best route. If Equest is taken out by this road, the Veterans and disabled citizens of Collin County who use the facility will suffer. The TTC and North Central Council of Governments should only be allowed to proceed with this road if their evidence and process are impeccable, which they are not. It is the government's duty to protect citizens from wolves like these. Not to speed up the process. Ms. Hubley urged the Court to take the same action they took against the US75 proposed toll lanes making their opposition public and official. (Time: 1:43 p.m.)

3. Presentation/Recognition:

a. **AI-38857** Recognition of Jeff May for graduating from an Executive Leadership Class offered by the Texas Association of Counties presented by Judge John Roach, Jr., 296th District Court.

Judge John Roach, Jr., 296th District Court, recognized Jeff May, Auditor, for graduating from the Texas Association of Counties Executive Leadership Class. (Time: 1:32 p.m.)

b. **AI-38990** Plaque presented to Jeff May by Judge John Roach, Jr. from the Government Finance Officers Association (GFOA) for the FY2013 Comprehensive Annual Financial Report (CAFR), Auditor.

Judge John Roach, Jr., 296th District Court, presented Jeff May, Auditor, and his staff with a plaque from the Government Finance Officers Association for the FY2013 Comprehensive Annual Financial Report. This is the thirty-sixth year the Collin County Auditor's office has received this certificate of achievement for financial reporting. (Time: 1:33 p.m.)

c. Service Pins, Human Resources.

Greg Willis, District Attorney, presented Judy Neil, Felony Prosecutor, with a 30-year service pin in recognition of her dedicated service to Collin County. (Time: 1:36 p.m.)

4. Consent agenda to approve: Judge Self deleted item 4e1 and asked for comments on the consent agenda. Commissioner Webb pulled items 4d1, 4d2, 4e4, 4f5, 4h1 and 4i5 for discussion. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:44 p.m.)

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

a. **AI-38943** Disbursements for the period ending September 30, 2014, Auditor.
COURT ORDER NO. 2014-711-10-06

b. **AI-38934** Tax refunds totaling \$22,071.13, Tax Assessor Collector.
COURT ORDER NO. 2014-712-10-06

c. Advertisement(s):

1. **AI-38951** Detention Center Repairs and Renovations (IFB No. 2014-392), Construction & Projects.
COURT ORDER NO. 2014-713-10-06

d. Award(s):

1. **AI-38956** Construction, Collin County Walking Trail (IFB No. 2014-261) to RoeschCo Construction, Inc., budget amendment in the amount of \$447,743 and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

Commissioner Webb questioned why the recommended award was given to the second lowest bidder as opposed to the lowest bidder. If there is no financial risk with a 100% payment bond and 100% performance bond, why would lowest bidder not be chosen saving the County \$20,000?

Bill Burke, Construction and Planning, said the recommendation from the Auditor's office was to not go with the lowest bidder. The second lowest bidder was chosen after looking at their qualifications.

Commissioner Reid asked what the time frame is for producing the bond after the contract is awarded. Michalyn Rains, Purchasing, stated the contractor has ten days to respond. If there is no response, the project should be rebid if the award has been made. There has been no award made in this case. There was a brief discussion on the bonding process by the contractor.

Commissioner Reid recommended getting a blue sky letter from the low bidder's assurity stating they have a certain bonding capacity. The Commissioner stated it seems logical to go to the next bidder if the low bid does not work out because time and effort has been put in by all parties to produce a number.

Ms. Rains stated the item can be held to seek a blue sky letter and returned to the Court if the low bidder can produce the payment and performance proof. With no further discussion, the item was held. (Time: 1:49 p.m.)

HELD

2. **AI-38896** Services, IT, PeopleSoft HCM 9.2 Upgrade (RFP No. 2014-106), Information Technology.

Commissioner Webb pulled this item because the documentation suggests the low bidder and the highest evaluated bidder is Cherry Road Technologies yet it is not the recommended provider. There is a difference of \$100,000 by not using the low bidder.

Cynthia Jacobson, Human Resources, stated the bids are not comparable which is why they were not selected. The lowest bidder does all IT offsite as well as 50% of their functional offsite where the other bidders do not. They have a part-time functional manager where the others have a full-time functional manager. They also did not do the People Tools upgrade which is a heavy upgrade for IT requirements. When the bids were originally graded, some of those things were not necessarily looked at by the grading groups but were looked at when the final decision was made.

Judge Self asked if there is was a flawed RFP (Request for Price). Ms. Jacobson stated the RFP was not flawed. It was their response to the RFP. A group meeting was held to discuss the differences in the RFPs and from that meeting a provider was chosen that was best able to perform what is needed. There were also some issues with reference checks of the lowest bid provider.

Commissioner Webb asked if the differences are so substantial that it is worth \$100,000 more than the lowest bid. Ms. Jacobson said the differences are very substantial when all of the work done by Cherry Road Technologies would be offsite with no transference to IT, limited functional onsite and a part-time functional manager as opposed to being onsite, having transference to IT and a full-time manager making sure the project is successful. Going with the low bidder would also ask IT to do more on the development side and that would be more than the differential that is there. There would also be implementation issues due to not having someone onsite. HR is looking outside the County because there are not the IT resources or staff to do what is necessary.

Commissioner Reid said the decision of not using the low bidder needs to be well warranted. Michalyn Rains, Purchasing, stated this is a high-tech RFP which does allow some negotiations and the choice of not going with the low bidder. Ms. Rains said she is confident and satisfied the integrity of the process has not been compromised and that is why the recommendation was made.

Commissioner Webb said if Ms. Jacobson and Ms. Rains feel strongly about the recommendation he will support it, but is concerned with how the scoring is done in the future.

Judge Self asked for the timeline on the project. Ms. Jacobson stated the implementation of this upgrade will take approximately nine months. HR is a year behind on upgrades and the system cannot get two upgrades behind; therefore, the upgrade is needed. With no further discussion, a motion was made to approve the item. (Time: 1:58 p.m.)

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

COURT ORDER NO. 2014-714-10-06

e. Agreement(s):

1. **AI-38942** Intergovernmental Lease Agreement with the State of Texas on behalf of Texas Department of Family and Protective Services (DFPS) for office space located at 2100 Bloomdale Road, McKinney, Texas, for a period of sixty months and further authorize the County Judge to finalize and execute same, Construction & Projects.

PULLED

2. **AI-38840** Lease Agreement with John Cooper for property located at 406 Raymond Street, Farmersville, Texas, commencing December 1, 2014 through and including November 30, 2019 and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2014-715-10-06

3. **AI-38880** FY2015/2016 State Case Registry and Local Customer Service Cooperative Agreement with The Office of the Attorney General of the State of Texas to furnish Registry Only court order information relating to Child Support, Protective Order and Family Violence and further authorize the County Judge to finalize and execute same, District Clerk.

COURT ORDER NO. 2014-716-10-06

4. **AI-38845** Funding Agreement with Collin College Foundation in amount of \$50,000 to provide tuition assistance to paid and volunteer members of various Fire Departments within Collin County and further authorize the County Judge to finalize and execute same, Fire Marshal.

Commissioner Webb pulled this item to discuss the \$50,000 to Collin College to provide scholarships to various members of fire departments for training. The Commissioner previously asked the Auditor and the Fire Marshal if the funds are actually being spent on training. The information provided shows, as of May 2014, Collin College has a fund balance of \$53,229 prior to this year's contribution. The Commissioner would like Collin College to consume the current funds for the intended purpose before giving them another \$50,000.

Bill Bilyeu, County Administrator, stated Collin College tore down the training tower last year which slowed the program down. The college does allow for weekly training but the program is slow at this time due to the relocation of their school and pending a larger group to take classes. There has been discussion on changing funding for next year because a number of fire departments go to College Station for advanced training. Negotiations can be done with Collin College to allow fire fighters to take classes at other colleges with the same funding. Commissioner Williams said this money is in the budget so the college can come back anytime in the year to request it.

Judge Self asked when an agreement or an expanded training facility is anticipated. Mr. Bilyeu said an expanded training facility is two or three years out. They are working with McKinney for a joint training location. Collin College does have other smaller classes and they do other training besides tower training, but they have to have enough enrollment to make it worthwhile. Mr. Bilyeu will ask the college for a plan to make scholarship money available to other colleges for training. With no further discussion, the item was held for future input. (Time: 2:03 p.m.)

HELD

5. Interlocal Cooperation Agreement(s) for Road and Bridge Improvements and further authorize the County Judge to finalize and execute same, Public Works.

a. **AI-38920** City of Murphy (Agreement No. 2014-294).

COURT ORDER NO. 2014-717-10-06

b. **AI-38919** City of Parker (Agreement No. 2014-295).

COURT ORDER NO. 2014-718-10-06

c. **AI-38923** Town of St. Paul (Agreement No. 2014-300).

COURT ORDER NO. 2014-719-10-06

d. **AI-38947** City of Wylie (Agreement No. 2014-306).

COURT ORDER NO. 2014-720-10-06

f. Amendment(s):

1. **AI-38917** No. 1 to Professional Services, Architect for Small County Projects (Contract No. 2013-187) with Spurgin and Associates Architects to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2014-721-10-06

2. **AI-38958** No. 1 to Professional Services, Roof Consultant (Contract 2013-181) with DryTec Moisture Protection Technology to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2014-722-10-06

3. **AI-38859** No. 4 to Physician Services (Contract No. 07335-10) with Dr. James Shupe to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, County Clerk.

COURT ORDER NO. 2014-723-10-06

4. **AI-38938** No. 5 to the Interlocal Agreement for Environmental Services with the City of Lowry Crossing to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same. Payments will be made in quarterly installments for an annual amount of \$1,368, Development Services.

COURT ORDER NO. 2014-724-10-06

5. **AI-38946** No. 9 to the Interlocal Agreement with the North Texas Municipal Water District (NTMWD) for participation in the County Monthly Clean-Up Program to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

Commissioner Webb asked for clarification on the contract number. Michalyn Rains, Purchasing, stated this agreement has been in place for a long time and the contract number 12171-08 is the correct number. With no further discussion, a motion was made to approve the item. (Time: 2:05 p.m.)

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

COURT ORDER NO. 2014-725-10-06

g. Change Order(s):

1. **AI-38926** No. 5 to the Interlocal Agreement for Recycling (Agreement No. 05591-09) with the Branch VFD to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2014-726-10-06

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

1. **AI-38978** Data Use Agreement with Health and Human Services Commission, Administrative Services.

Commissioner Webb was concerned with signing this retroactive agreement that dates back to October 2012. The Commissioner wanted to be sure that by signing the agreement now the County would not be in default of the agreement. Commissioner Webb also asked if an attorney has reviewed this agreement because he has concern with a paragraph in the document that says the Anchor will perform an intergovernmental transfer of funds to HHSC (Health and Human Services Commission) twice per year. The remainder of the document says HHSC will pay the Anchor twice per year.

Bill Bilyeu, County Administrator, stated Medicaid 1115 requirements change constantly which is what is seen here. The federal government is saying that a payment has been made to Collin County to be the anchor. But in order to make the payment an anchor agreement must be in place for reimbursement. A legal review of the agreement has not been made because this is a state contract and anything that is stylistic or functional will typically not be changed.

Mr. Bilyeu said that in order for the County to be paid, the County has to transfer funds to HHSC which are then matched and returned to the County. With no further discussion, a motion was made to approve the item. (Time: 2:08 p.m.)

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

COURT ORDER NO. 2014-727-10-06

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

1. **AI-38959** \$3,000 to reallocate funds from Project Code T06108 to Project Code T06113, Auditor.

COURT ORDER NO. 2014-728-10-06

j. Receive and File, Auditor:

1. **AI-38932** Investment Report (2nd Quarter FY2014).

COURT ORDER NO. 2014-729-10-06

2. **AI-38821** Investment Report (3rd Quarter FY2014).

COURT ORDER NO. 2014-730-10-06

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

1. **AI-38878** August 18, 2014 Budget Workshop.

COURT ORDER NO. 2014-731-10-06

2. **AI-38897** September 8, 2014.

COURT ORDER NO. 2014-732-10-06

3. **AI-38963** September 15, 2014.

COURT ORDER NO. 2014-733-10-06

l. Miscellaneous

1. **AI-38927** Acceptance of the FY2014 State Criminal Alien Assistance Program (SCAAP) grant through the Bureau of Justice Assistance in the amount of \$16,102, Auditor.

COURT ORDER NO. 2014-734-10-06

2. **AI-38931** Grant application for the FY2015 CoServ Charitable Grant Foundation in the amount of \$25,991 and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2014-735-10-06

3. **AI-38950** Reject all bids received for Detention Center Repairs and Renovations (IFB No. 2014-309), Construction & Projects.

COURT ORDER NO. 2014-736-10-06

4. **AI-38969** Acceptance of a private offer in the amount of \$13,500 for property located in Settler's Creek #4 Addition, Lowry Crossing, Texas (Creekview Circle, Lot 9, Block A) as recorded in the Collin County Deed Records and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2014-737-10-06

5. **AI-38844** Final Plat of Trails of 1827 Phase 2, Engineering.

Commissioner Webb asked Engineering to explain the request. Clarence Daugherty, Engineering, stated this is an approval of a plat of a subdivision in an unincorporated area over which the County has authority. It is the second phase of this subdivision and it is a typical subdivision that plats lots, dedicates roadways and roadway easements for travel and easements for drainage and utilities.

Commissioner Webb said when the plat is filed and approved by the Court, those streets would be built to county standards and would then become a part of the County's obligation for maintenance and repair. The Commissioner is neither in support of accepting a residential street nor taking on the maintenance and repair of it. It is not a good use of County taxpayer dollars. The County's responsibility in transportation is to provide access and movement amongst various cities and townships as well as what is on the thoroughfare plan. Commissioner Webb believes this is a policy shift and the County should use money for major thoroughfares.

Commissioner Williams said because this is in Princeton Extraterritorial Jurisdiction they could approve the plat themselves at which time it would still be the County's responsibility. Tracy Homfeld, Engineering, stated Princeton has signed a resolution giving authority over to the County to approve the plat. Commissioner Williams said they could rescind that authority at any time. Commissioner Webb has no problem approving the plat but does want the street to remain private.

Mr. Daugherty stated this is common practice in cities and the County in the past. The potential for adequate maintenance of a roadway like this by the private sector is low. Poor maintenance would not be good for the citizens that live there nor for the atmosphere of the County. Engineering is dubious that the streets will be well maintained if not taken on by the County.

There was a brief discussion on the types of streets required in cities and the amount of funds that would be spent to maintain them. If the Court does not want to take on the maintenance and repair of the streets, the dedication of the right-of-way would have to be removed from the plat. Ms. Homfeld stated if the plat is not approved at this time it will be automatically approved with other plats. The Court does not have to sign and accept the dedication but the plat itself, as laid out, would be approved.

Mr. Daugherty offered the option of approving the plat with the condition of not accepting the dedication. The developer would then have to change the plat to reflect the condition and it would not be filed until then.

Commissioner Williams requested this item be discussed in Executive Session to confer with legal counsel on state requirements for platting. The item was held to be discussed in Executive Session. (Time: 2:18 p.m.)

Following Executive Session a motion was made to approve the item. (Time: 3:03 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Mark Reid
Vote: 3 - 1 Passed

Nay: Commissioner Duncan Webb

COURT ORDER NO. 2014-738-10-06

6. **AI-38816** Declaration of Environmental Systems Research Institute, Inc. (ESRI) as a sole source provider per Local Government Code 262.024(a)(7)(A); items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies for software for GIS, including annual maintenance, Purchasing.

COURT ORDER NO. 2014-739-10-06

7. **AI-38866** Declare old furniture from the 900 and 920 buildings as surplus and authorize the Purchasing Agent to sell via on-line auction per V.T.C.A Local Government Code 263.152(a)(1) and authorize advertising for same, Purchasing.

COURT ORDER NO. 2014-740-10-06

8. **AI-38904** Funding recommendations for the Collin County Parks/Open Space Project Funding Assistance Program, 2007 Bond - Fifth Series and budget amendment in the amount of \$2,392,782 for same, Special Projects.

COURT ORDER NO. 2014-741-10-06

9. **AI-38883** FY2015 compa-ratio salary adjustments, Human Resources.

COURT ORDER NO. 2014-742-10-06

10. **AI-38979** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-743-10-06

11. **AI-38980** Personnel Changes, Human Resources.

COURT ORDER NO. 2014-744-10-06

GENERAL DISCUSSION

5. **AI-38901** Expansion of the definition of "Waters of the United States" by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers, Engineering.

Tracy Homfeld, Engineering, came forward to say the EPA (Environmental Protection Agency and the U.S. ACE (Army Corps of Engineers) have requested a rule change to broaden the definition of "Waters of the United States". Counties in Texas have submitted their opinions on the proposed rule change. The U.S. House of Representatives passed House Bill 5078 to block the EPA's proposed rule to expand the scope of waters subject to federal regulation. The EPA's proposed rule would remove federal regulatory connection to waters considered navigable. This would create a broader definition resulting in regulations that could include all manmade ponds, ditches and storm water regulations for water quality which would affect counties. What the House approved would require the EPA to consult with state and local regulators to fine tune the regulation to protect only the waters identified as needing additional federal protection. A companion bill is not expected to be considered until after elections but there are reports that the current Administration may be poised to veto the bill. The National Association of Counties has asked the Court to submit a resolution and a letter opposing the current proposed rule change and to ask for further definition of what would be regulated under the proposed rule.

Commissioner Reid suggested striking the text in the resolution under the "THEREFORE BE IT RESOLVED" paragraph that says "unless it clearly identifies the types of drainage ditches and storm-water drainage systems that are not subject to federal regulation under the Clean Water Act." Judge Self would like to strike the last two "WHEREAS" paragraphs and have the letter sent to the entire legislative delegation. He would also like to add the Commissioners' signatures to the letter. A motion was made to strike the last two "WHEREAS" paragraphs, strike the language after "waters of the United States" in the "THEREFORE BE IT RESOLVED" paragraph and add the signatures of all the Commissioners to the letter and resolution. (Time: 2:24 p.m.)

Motion by: Commissioner Mark Reid
Second by: Commissioner Cheryl Williams
Vote: 4 - 0 Passed

COURT ORDER NO. 2014-745-10-06

6. AI-38955 City of Celina's Bond Project No. 07-014, CR 5 (Frontier Parkway) from the DNT to SH 289, Engineering.

Clarence Daugherty, Engineering, came forward to discuss the City of Celina's Bond Project. This project deals with the potential for a grade separation between Frontier Parkway and the railroad. Most recently, two city councils met and agreed that a future grade separation would be needed. Instructions were given to come up with a concept plan to present to property owners. The plan has been made and technical staff will review it on Tuesday.

Commissioner Reid wanted this item on the agenda because it has been discussed since 2007 and there is a need to get this project under way. The idea is to plan for the future and build for today. Planning for the future entails securing the right-of-way now. In looking at BNSF (Burlington Northern Santa Fe) railway from north to south all major arteries have grade separation. Grade separation for this location is not needed presently but the 2007 and 2004 Mobility Plans indicate Frontier Parkway as a six-lane arterial roadway. This means grade separation will be needed. The Commissioner stated there is a funding gap as it stands right now. Currently the funding gap is the smallest if a four-lane road is built with a three-lane bridge. This is because Prosper approved a \$3.65 million bond dedicated to grade separation. With that in play there is a \$1.1 million funding gap. If grade separation is not done now, there will be a \$1.5 million funding gap.

Commissioner Williams asked if the funding gap includes estimates for right-of-way. Tracy Homfeld, Engineering, stated it does include old cost estimates but does not include right-of-way for the full bridge. Mr. Daugherty said more work needs to be done to have a good estimate for the right-of-way. The funding gap is likely to be larger than what has been presented.

Commissioner Williams also asked if the right-of-way is primarily in the county or in city limits. Commissioner Reid stated Prosper strip annexed 10 feet down the center of the Frontier Parkway and Celina has strip annexed 55 feet north of that. Beyond the 55 feet is County property. Judge Self requested the figure that will give the County the right-of-way acquisition for a six-lane bridge plus the building the four lanes at grade.

Commissioner Reid stated the property owners want to know the plan so they know what their financial impact will be. The study will provide that information to the property owners. Prosper has remained on board and plans for the grade separation. Celina has discussed the grade separation since 2007 and is now opposed to it. From a County perspective the County needs to maintain the right-of-way.

Commissioner Webb does not want to see Celina try to reallocate the monies the Court has allocated to this project to get what they want in opposing the grade separation. Celina has already reallocated \$1.5 million that was earmarked for the project. The Commissioner would also like to obtain all the right-of-way necessary for it to be grade separated. Judge Self said he was under the impression that Celina had agreed that eventually grade separation would be needed. Ms. Homfeld believed that Celina did relent that in the future a grade separation would be needed and that they are gauging their citizen reactions to determine how the city will react.

The next steps are to meet with the staffs, determine a true gap and meet with the property owners within the next two weeks. Commissioner Reid would like this item put on the agenda for the end of the month. With no further discussion, the item was held. (Time: 2:35 p.m.)

HELD

7. AI-38891 Amendment of the Paid Time Off/Excess Compensatory Time policy, Human Resources.

Cynthia Jacobson, Human Resources, came forward to explain the amendment. A few years ago HR implemented a policy to work toward the reduction of compensatory time. Under that policy a percentage of the comp time balance was selected for over 100 hours. That percentage would have to be used before employees could use Paid Time Off. Because there were some extremely high balances at the time a smaller percentage was chosen in order to not penalize those employees. It was noted that the percentage would be moved up once the program was in place and successful. Ms. Jacobson requested the Court's approval to increase the percentage from 20% to 30%. The Court was in agreement with the percentage increase. A motion was made to approve the item. (Time: 2:38 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Mark Reid
Vote: 4 - 0 Passed

COURT ORDER NO. 2014-746-10-06

8. AI-38850 FY 2015 Employee Reclassifications, Human Resources.

Cynthia Jacobson, Human Resources, stated there were 26 requests for reclassifications. Of the 26 requests nine were recommended, of which two were title changes only. Commissioner Webb agreed with the recommendation but questioned why the functional analyst position was not moved from non-exempt to exempt. Ms. Jacobson said it is because the exempt category for computers is a programming category. The position does a lot related to that but the main functions are not programming that would typically be seen in the exempt category.

This position was looked at very carefully and compared to what other groups are doing. It was felt that the pay grade was appropriate in the non-exempt category. There are many functional analyst positions across the county departments. These functional analyst positions are unique because they are used in Odyssey which was hard to compare to other counties because they do not have them in that role yet.

Commissioner Williams requested to look over information on how the determination was made to not move the position over to the exempt category based on federal guidelines. With that request the decision was made to hold approval of the functional analyst position. A motion was made to approve the reclassification recommendations except for the functional analyst position. (Time: 2:41 p.m.)

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

COURT ORDER NO. 2014-747-10-06

9. AI-38983 North Central Texas Council of Governments (NCTCOG) Executive Board monthly update, County Judge.

Judge Self gave the update for the North Central Texas Council of Governments (NCTCOG) Executive Board meeting. The first item of interest was the \$162,000 for Child Care Training services under Workforce Development. Sixty percent of the entire Workforce budget goes to childcare which is approximately \$54 million. The next item of interest was the passing of the Vehicle Technologies Alternative Fuel Vehicle Deployment Initiatives Funding Opportunity which Judge Self voted against. \$140,000 was added to transit funds for the extension of the Texoma Area Paratransit System through the end of November. An item that was held for more information was the Resolution Authorizing a Consultant Contract with DeChant Consulting Services for Photogrammetry Training and Equipment. Photogrammetry equipment is used by police departments to reproduce accident scenes for review in office. The cost per set is \$5,000. The request was for \$300,000 to be used to purchase 70 sets. Judge Self said he asked why the city councils are not purchasing this equipment if it is so valuable for the police departments. That question opened up a larger discussion and it was realized this has been going on since 2007 with over \$2 million being spent on this equipment. The concern was why NCTCOG is paying for the equipment rather than the cities if it is that important. (Time: 2:48 p.m.)

NO ACTION TAKEN

10. AI-38856 84th Legislative Agenda for 2015, Commissioners Court.

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session at 2:49 p.m. in accordance with Chapter 551 of the Local Government Code for discussion with legal counsel on item 415, the Final Plat of Trails of 1827 Phase 2, Engineering, under Paragraph 551.071, Legal.

Judge Self reconvened the meeting at 3:03 p.m.

Following a vote on item 415 and there being no further business of the Court, Judge Self adjourned the meeting at 3:03 p.m.



Keith Self, County Judge

Mark Reid, Commissioner, Pct. 1

Not Present

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, TEXAS