

I, Cynthia Mitchell, County Clerk of Denton County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on December 18, 2007.

ATTEST:

Cynthia Mitchell, County Clerk  
and Ex-Officio Clerk of the  
Commissioners Court of  
Denton County, Texas

By:

*Kathleen Branford*



Deputy County Clerk

Be it remembered, Commissioners Court of Denton County, Texas was called to order on the 18<sup>th</sup> day of December, 2008, at 9:00 a.m. in Commissioners Courtroom, 2<sup>nd</sup> Floor, Courthouse on the Square, Denton, Texas by Judge Mary Horn. Commissioners Cynthia White, Ron Marchant, Bobbie J. Mitchell and Andy Eads were present, along with County Clerk Cynthia Mitchell's representative, Deputy Clerk, Kathleen Bransford.

Court opened with an Invocation by John Polster, President of Innovative Transportation Solutions, Inc., followed by the Pledges of Allegiance to the American and Texas Flags led by Barbara Looper, Aide to Court.

**ITEM 1 PUBLIC INPUT FOR ITEMS NOT LISTED ON THE AGENDA**

**ITEM 2 CONSENT AGENDA  
HUMAN RESOURCES**

8.A) Approval of Order Making Appointments. (Appointments have been posted and advertised. Interviews were conducted as set forth in the Denton County policies adopted by the Commissioners Court, except as otherwise stated in the appointment orders. These appointments are within the budgetary constraints.) **Veterans Service Office:** Donald R. Phillips; **County Jail:** Jason Aguado, Sabir Bashir, Charles Dunn and Marva Riles-Brown.

**BUDGET**

2.B) Approval of Intra-Departmental Transfers, and any appropriate action. Budget

**TREASURER**

2.C) Approval of Payroll. Treasurer

**BUDGET**

2.D) Approval of Budget Amendment Request #100420 for Cars/Small Trucks for Law Enforcement Facility in the amount of \$1,887 and any appropriate action. Budget

2.E) Approval of Budget Amendment Request #100430 for Miscellaneous County Building Maintenance for Facilities Management in the amount of \$1,050 and any other appropriate action.

**PURCHASING**

2.F) Approval of renewal of Workers' Compensation Insurance with Texas Association of Counties, and any appropriate action. Purchasing

**OTHER DEPARTMENTS**

2.G) Approval of Building Use Request for the Denton County Republican Party to use the Courthouse-on-the-Square for a Candidate Forum on January 28, 2008 from 6:00 pm to 10:00 pm, and any appropriate action. Aide-to-the-Court

Move to approve Consent Agenda by **Comm. Mitchell**, seconded by **Comm. Eads**.

**Motion Carried 5-0-0**

**Court Order 07-0787**

Discussion of item in Commissioners Court Transcript to minutes. (Page 2)

**ITEM 5 AUDITOR**

5.A) Approval of Bill Report/Payroll and Accept Financial Report for August, 2007. (Payments from CSCD, Community Corrections, TAIP, Sheriff's Training, Sheriff's Forfeiture, VIT Interest, DA Check Fee, and DA Forfeiture Funds are presented for recording purposes only.)

DELETIONS—

GENERAL	\$	25.00 to Texas State University, void per department;
GENERAL	\$	25.00 to Lowndes County Sheriff's Office, manual check issued;
JUVENILE	\$	200.00 to Michael Chimarys Polygraph service;
GENERAL	\$	318.73 to Law Office of Dale Burrows, incorrect vendor;
JUVENILE	\$	1,356.25 to Janice Jeffries, duplicate payment;

ADDITIONS—

R&B	\$	13.99 to TXU Energy, Svc-D4, expedite;
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R&B	\$	18.63 to First Choice Power, Svc-D1, expedite;
GENERAL	\$	25.00 to Lowndes County Sheriff, Cause #2007-41101, expedite;
GENERAL	\$	30.00 to IAATI, Membership Dues – T. Goodwin, expedite;
JUV PROB	\$	54.05 to Atmos Energy, Svc.- Juvenile Probation, expedite;
GENERAL	\$	60.00 to Dallas County Constable, Svc-Juv Case, expedite;
GENERAL	\$	60.00 to Constable Michael Gothard, Svc-Juv, expedite;
GENERAL	\$	75.00 to Wise County Sheriff, Svc-Juv.Case, expedite;
GENERAL	\$	89.99 to Cool Access, LLC., Wireless Internet Svc., expedite;
GENERAL	\$	152.00 to American Prof.Agency, Liability Ins.-B.Bailey, expedite;
WIC	\$	498.66 to First Choice Power, Svc.-WIC, expedite;
GENERAL	\$	554.30 to Atmos Energy, Svc.- various bldgs., expedite;
GENERAL	\$	652.00 to US Postmaster, Box 2187 Lease, Cty.Clk., expedite;
GENERAL	\$	4,218.85 to American Messaging, Svc.- SO Depts., expedite;
GENERAL	\$	5,000.00 to US Postmaster, Postage Permit, expedite.
07 PI BONDS	\$	1,092,990.11 to LH Lacy Co., Lake Corridor Sec.3, expedite.

Move to approve amended Bill Report by **Comm. Mitchell**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0788**

Discussion of item in Commissioners Court Transcript to minutes. (Page 4)

#### **ITEM 6 PURCHASING**

6.A) Approval of award for Printing (Checks, Forms, Books), Bid #11-07-1866 to CLC Business Products; and any appropriate action.

Move to approve by **Comm. Marchant**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0789**

Discussion of item in Commissioners Court Transcript to minutes. (Page 5)

6.B) Approval of exception to Purchasing Policy 3.1.H.2. for purchase of work boots for Road and Bridge employees.

Move to approve by **Comm. White**, seconded by **Comm. Eads**

**Motion Carried 5-0-0**

**Court Order 07-0790**

Discussion of item in Commissioners Court Transcript to minutes. (Page 5)

#### **ITEM 8 HUMAN RESOURCES**

8.A) Approval to change the job description for slot 031-SO (Crime Prevention Investigator) to Investigator-CID and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Marchant**.

**Motion Carried 5-0-0**

**Court Order 07-0791**

Discussion of item in Commissioners Court Transcript to minutes. (Page 6)

8.B) Approval of the PEBC CY2008 budget and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Marchant**.

**Motion Carried 4-1-0 (Mitchell, nay)**

**Court Order 07-0792**

Discussion of item in Commissioners Court Transcript to minutes. (Page 7)

8.C) Approval of revisions to Personnel Policy #2.11-Vehicle Use and any appropriate action.

Move to approve by **Comm. Mitchell**, seconded by **Comm. Eads**.

**Motion Carried 5-0-0**

**Court Order 07-0793**

Discussion of item in Commissioners Court Transcript to minutes. (Page 9)

8.D) Approval of a stop loss premium and raise the stop loss limit from \$225,000 to \$250,000 for the 2008 benefit plan year (see Scenario B Option 2 in the attached spreadsheet) and any appropriate action.

Move to approve by **Comm. Marchant**, seconded by **Comm. Eads**.

**Motion Carried 5-0-0**

**Court Order 07-0794**

Discussion of item in Commissioners Court Transcript to minutes. (Page 12)

#### **ITEM 10 PUBLIC WORKS**

10.A) Approval of the Grant Acceptance and Fund Agreement with The Texas Parks & Wildlife Department, National Recreational Trails Program and any appropriate action. Engineering

Move to approve by **Comm. Eads**, seconded by **Comm. Mitchell**.

**Motion Carried 5-0-0**

**Court Order 07-0795**

Discussion of item in Commissioners Court Transcript to minutes. (Page 13)

#### **ITEM 12 SHERIFF**

12.A) Approve Award of STEP Grant (WAVE) for Impaired Driving Mobilization (IDM) to the Sheriff's Office

Move to approve by **Comm. Marchant**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0796**

Discussion of item in Commissioners Court Transcript to minutes. (Page 15)

#### **ITEM 13 OTHER DEPARTMENTS**

13.A) Approval of options and preliminary budget on Phase I of the Administrative Complex on Loop 288 and any appropriate action. Facilities

Move to approve Site Option Two by **Judge Horn**, seconded by **Comm. Eads**.

**Motion Carried 5-0-0**

**Court Order 07-0797**

Discussion of item in Commissioners Court Transcript to minutes. (Page 15)

13.B) Approval of Change Order No. 1 for the Lower Level Renovation of the Denton County Courts Building in the amount of \$18,076.47 and the total extension of 25 days and any appropriate action. Facilities

Move to approve by **Comm. Marchant**, seconded by **Judge Horn**.

**Motion Carried 5-0-0**

**Court Order 07-0798**

Discussion of item in Commissioners Court Transcript to minutes. (Page 62)

13.C) Discussion and possible action related to a disaster declaration and court order related to the threat of wild land fires from drought conditions and including the discharge and sale of aerial fireworks, any appropriate action. Emergency Services.

**NO ACTION**

**ITEM 14        LEGAL**

14.A) Approval of the Ambulance Service Agreements between Denton County, Texas and (a) the Argyle Volunteer Fire Department, (b) the Aubrey Area Ambulance District, (c) the Justin Volunteer Fire Department, (d) the City of Lewisville Fire Department, (e) and the Pilot Point Fire Department, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Mitchell**.

**Motion Carried 5-0-0**

**Court Order 07-0799**

Discussion of item in Commissioners Court Transcript to minutes. (Page )

14.B) Approval of Contract Modification #9 between Denton County, Texas, and HNTB, Corporation, in the amount of \$100,000.00 for the FM 2499, Section 4, Project with funding to come from Commissioner Precinct #1, Better, Safer Road Program - Special Projects, Auditor #70-7453-90-20, Commissioner Precinct #1, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Mitchell**.

**Motion Carried 5-0-0**

**Court Order 07-0800**

Discussion of item in Commissioners Court Transcript to minutes. (Page 66)

14.D) Approval of Clough Harbour & Associates (CHA) as Successor in interest of the Engineering Agreement, amendments and addendums thereto between Denton County and Isbell Engineering Group (IEG) with regard to the Denton County Courts Building Foundation Repair project, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Judge Horn**.

**Motion Carried 5-0-0**

**Court Order 07-0801**

Discussion of item in Commissioners Court Transcript to minutes. (Page 67)

14.E) Approval of the Fire Protection Service Agreements between Denton County, Texas and (a) the Argyle Volunteer Department, (b) the Justin Volunteer Fire Department, (c) the City of Lewisville Fire Department, (d) and the Pilot Point Volunteer Fire Department, and any appropriate action.

Move to approve by **Comm. Mitchell**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0802**

Discussion of item in Commissioners Court Transcript to minutes. (Page 67)

14.F) Approval of the Interlocal Cooperation Agreements for Juvenile Post-Adjudication Facility Services between Denton County and (a) Ellis County and (b) Red River County, and any appropriate action.

Move to approve by **Comm. Mitchell**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0803**

Discussion of item in Commissioners Court Transcript to minutes. (Page 68)

14.G) Approval of the Interlocal Cooperation Agreement for Juvenile Pre-Adjudication Facility Services between Denton County and Ellis County, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Marchant**.

**Motion Carried 5-0-0**

**Court Order 07-0804**

Discussion of item in Commissioners Court Transcript to minutes. (Page 68)

14.H) Approval of Interlocal Cooperation Agreement between Denton County, Texas, and the Town of Lakewood Village, Texas, for road improvements to Shoreline Drive, Green Meadow Drive, Woodcrest Drive and Meadow Lake Drive located in Commissioner Precinct #1, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Mitchell**.

**Motion Carried 5-0-0**

**Court Order 07-0805**

Discussion of item in Commissioners Court Transcript to minutes. (Page 68)

14.I) Approval of the Interlocal Cooperation Agreement between Denton County, Texas, and the City of Fort Worth, Texas, where Denton County will contribute \$1,553,000.00 toward Phase II of the Litsey Road bridge replacement or rehabilitation project at Henrietta Creek and interior roadway improvements to Litsey Road, with funding to come from Commissioner #4, Better, Safer, Roads Program funds, Commissioner Precinct #4, and any appropriate action.

Move to approve by **Comm. Eads**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0806**

Discussion of item in Commissioners Court Transcript to minutes. (Page 69)

14.J) Discussion and approval of the acceptance of the Criminal District Attorney's 421-Juvenile Child Abuse Prosecution Grant (J-CAP) to the Criminal Justice Division of the Governor's Office.

Move to approve by **Comm. White**, seconded by **Judge Horn**.

**Motion Carried 5-0-0**

**Court Order 07-0807**

Discussion of item in Commissioners Court Transcript to minutes. (Page 71)

14.K) Approval of the Texas Electronic Framework Service Level Agreement between Denton County and Bearingpoint, Inc., for TexasOnline eFiling services and any appropriate action.

Move to approve by **Comm. Marchant**, seconded by **Comm. Eads**.

**Motion Carried 4-0-0 (Mitchell absent for vote)**

**Court Order 07-0808**

Discussion of item in Commissioners Court Transcript to minutes. (Page 72)

14.L) Approval of the Construction Easement between Denton County, Texas, and DSM Partners I, Ltd. for the construction and widening of a portion of FM 2499 between FM 407 and FM 2181 located in Denton County Commissioner Precinct #4, and any appropriate action.

Move to approve by **Comm. Mitchell**, seconded by **Comm. White**.

**Motion Carried 5-0-0**

**Court Order 07-0809**

Discussion of item in Commissioners Court Transcript to minutes. (Page 74)

14.M) Approval of a professional services contract between Denton County, Texas, and Huitt-Zollars, Inc., for engineering services for the Cowling Road Culvert Repair Project in the amount of \$29,264.00, with funding to come from Commissioner Precinct #1 Bridge Consultant Fees Line Item #20-5355-85-10, Commissioner Precinct #1, and any appropriate action.

Move to approve by **Comm. White**, seconded by **Comm. Mitchell**.

**Motion Carried 5-0-0**

**Court Order 07-0810**

Discussion of item in Commissioners Court Transcript to minutes. (Page 75)

**ITEM 15 EXECUTIVE SESSION**

Convened in Executive Session 10:46 AM  
Reconvened in Formal Session 11:28 AM

15.A) Consultation with Attorney: Pending Litigation, Texas Government Code, Section 551.071 (1) (A); Beynon, et al vs. Denton County, Texas; Cause No. 2005-30367-211, pending in the 211th Judicial District Court of Denton County, Texas.

**NO ACTION**

15.B) Consultation with Attorney: Pending Litigation, Texas Government Code, Section 551.071 (1) (A); Cause Number ED-2007-02424, pending in Denton County Court at Law #2.

Move to approve (1) directing the Denton County Auditor to issue separate warrants for payments to Special Commissioners in the amount of \$1,000.00 made payable to Don White, \$1,000.00 payable to Tom Jester, and \$1,000.00 payable to Dan Trammell and have the Auditor deposit all three payments in the Registry of the Court for Denton County Court at Law #2 in Cause No. ED-2007-02424, styled Denton County, Texas v. J. Wesley Stucki, Juanita Stucki and Associates Home Equity Services, Inc. (FM 1171 Project, Parcels 11 & 11E); and (2) direct the Denton County Auditor to pay the appraisal fee in the amount of \$1,500.00 directly to Sargent Appraisal Company, P.O. Box 2756, Denton, Texas 76202; with funding to come from FM 1171 Project, Auditor #70-7360-90-20, Commissioner Precinct #3 by **Judge Horn**, seconded by **Comm. Mitchell**.

**Motion Carried 4-0-0 (White absent)**

**Court Order 07-0811**

Discussion of item in Commissioners Court Transcript to minutes. (Page 76)

15.D) Consultation with Attorney: Pending Litigation, Texas Government Code, Section 551.071 (1) (A); Cause Number ED-2007-03046, pending in Denton County Court at Law #2.

Move to approve (1) the purchase of Right-of-Way for FM 1171 Project (Parcel 7) by Denton County, Texas, from Curtis M. Loveless and Linda Loveless Hughes; (2) grant authorization to proceed with closing and approval for the Denton County Judge to sign all necessary closing documents to purchase the Right-of-Way from Curtis M. Loveless and Linda Loveless Hughes; (3) direct the Denton County Auditor to issue a warrant in the amount of \$19,438.00, plus any fees, for the purchase of Right-of-Way for FM 1171 Project (Parcel 7) and make the amount payable to the Registry of the Court for Denton County Court at Law #2 c/o Curtis M. Loveless and Linda Loveless Hughes in Cause No. ED-2007-03046, styled Denton County, Texas v. Curtis M. Loveless and Linda Loveless Hughes; (4) direct the Denton County Auditor to issue separate warrants for payments to Special Commissioners in the amount of \$750.00 payable to Larry Collister, \$750.00 payable to Tom Jester and \$750.00 payable to Gray Shelton and have the Auditor deposit all three payments in the Registry of the Court for Denton County Court at Law #2 in Cause No. ED-2007-03046, styled Denton County, Texas v. Curtis M. Loveless and Linda Loveless Hughes; and (5) direct the Denton County Auditor to pay the appraisal fee in the amount of \$1,250.00 directly to Sargent Appraisal Company, P.O. Box 2756, Denton, Texas 76202; with funding for all of the above items to come from FM 1171 Project, Auditor #70-7360-90-20, Commissioner Precinct #3, by **Judge Horn**, seconded by **Comm. Mitchell**.

**Motion Carried 4-0-0 (White absent)**

**Court Order 07-0812**

Discussion of item in Commissioners Court Transcript to minutes. (Page 79)

15.E) Consultation with Attorney: Pending Litigation, Texas Government Code, Section 551.071 (1) (A); Cause Number ED-2007-03047, pending in Denton County Court at Law #2.

Move to approve (1) the purchase of Right-of-Way for the FM 1171 Project (Parcel 9) by Denton County, Texas, from Robert A. Balekian, Janet L. Balekian, and Homecoming Financial, L.L.C.; (2) grant authorization to proceed with closing and approval for the Denton County Judge to sign all necessary closing documents to purchase the Right-of-Way from Robert A. Balekian, Janet L. Balekian, and Homecoming Financial, L.L.C.; (3) direct the Denton County Auditor to issue a warrant in the amount of \$34,000.00 plus any fees, for the purchase of Right-of-Way for the FM 1171 Project (Parcel 9) and make the amount payable to the Registry of the Court for Denton County Court at Law #2 c/o Robert A. Balekian, Janet L. Balekian, and Homecoming Financial, L.L.C., in Cause No. ED-2007-03047, styled Denton County, Texas v. Robert A. Balekian, Janet L. Balekian, and Homecoming Financial, L.L.C.; (4) direct the Denton County Auditor to issue separate warrants for payments to Special Commissioners in the amount of \$1,000 payable to Don White, \$1,000.00 payable to Tom Jester and \$1,000.00 payable to Dan Trammell and have the Auditor deposit all three payments in the Registry of the Court for Denton County Court at Law #2 in Cause No. ED-2007-03047, styled Denton County, Texas v. Robert A. Balekian, Janet L. Balekian, and Homecoming Financial, L.L.C.; and (5) direct the Denton County Auditor to pay the appraisal fee in the amount of \$1,250.00 directly to Sargent Appraisal Company, P.O. Box 2756, Denton, Texas 76202; with funding for all of the above items to come from the FM 1171 Project, Auditor #70-7360-90-20, Commissioner Precinct #3 by **Judge Horn**, seconded by **Comm. Mitchell**.  
**Motion Carried 4-0-0 (White absent)**

**Court Order 07-0813**

Discussion of item in Commissioners Court Transcript to minutes. (Page 77)

15.C) Consultation with Attorney: Pending Litigation, Texas Government Code, Section 551.071 (1) (A); Robert H. Osburn, et al v. Denton County District Clerk, et al; Cause No. 2001-60515-393, pending in the 393<sup>rd</sup> Judicial District Court of Denton County, Texas.

Move to approve settlement of the Robert H. Osburn, et al vs. Denton County District Clerk, et al; Cause No. 2001-60515-393 in the total amount of \$82,801, and distribution of said settlement funds from the funding source Lawsuit Settlement, line item #01.5345.1040 after a budget amendment transferring said amount into funding source account by **Judge Horn**, seconded by **Comm. Eads**.

**Motion Carried 4-0-0 (White absent)**

**Court Order 07-0814**

Discussion of item in Commissioners Court Transcript to minutes. (Page 81)

**ITEM 18 RECESS 11:36 AM**  
**ITEM 19 RECONVENE 11:41 AM**

14.C) Approval of the Work Session related to Denton County Tax Abatement Policy, and any appropriate action.

**ITEM 20 ADJOURNMENT 12:53 PM**

This set of minutes for December 18, 2007, prepared by Deputy Clerk Kathleen Bransford and reviewed by County Clerk, Cynthia Mitchell.