COURT ORDER NO. 2011- 376 -06-13

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
MAY 23, 2011

On Monday, May 23, 2011, the Commissioners' Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas, with the following members present, and participating, to wit:

Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

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 recessed the meeting at 1:35 p.m. due to technical difficulties.

Judge Self reconvened the meeting at 1:44 p.m. with an announcement that the audio/video equipment was not operable; the Court would continue as scheduled without an audio/video of the proceedings.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 2:22 p.m. and adjourned the meeting at 2:23 p.m.

President Self called to order the meeting of the **Collin County Toll Road Authority** at 2:23 p.m. and adjourned the meeting at 2:23 p.m.

Judge Self reconvened the meeting of the **Collin County Commissioners' Court** at 2:24 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-33631** Budget amendment in the amount of $2,000 to transfer funds from the Out of County Sex Offender fund to the Juvenile Probation department to purchase privacy panels for the teachers at the Juvenile Detention facility, Auditor.

FYI NOTIFICATION

1. **AI-33635** Budget amendment in the amount of $28,354 to transfer funds between project codes for the Cities Readiness Initiative Grant, Auditor.

2. **AI-33619** Budget amendment(s)/adjustment(s) totaling $70,000 (over $5,000 per c/o 2005-589-08-01, Budget.

2. Public Comments.

3. **Presentation/Recognition:**

a. **AI-33603** Distinguished Service Award presented to the Collin County Historical Commission from the Texas Historical Commission by the County Judge.

Judge Self presented the Distinguished Service Award to the Historical Commission of Collin County in recognition of the Commission's commitment to historical preservation and education. This is the eighth year the Commission has been awarded this prestigious honor by the Texas Historical Commission.

Stacey Kemp, County Clerk, recognized Leesa Cook, Court Collections, for being named Collector of the Year by the Governmental Collectors Association of Texas, a first for Collin County. Ms. Cooke's caseload showed to be 100% in compliance when audited by the Office of Court Administration. (Time: 1:35 p.m.)

4. **Consent agenda to approve:** Judge Self asked for any comments on the consent agenda. Commissioner Webb requested items 4a, 4c1, 4c2 and 4d1 be pulled for discussion; Commissioner Shaheen requested item 4f3 be pulled for discussion and Judge Self requested item 4c2 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 2:24 p.m.)

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

a. **AI-33629** Disbursements for the period ending May 17, 2011, Auditor.

Commissioner Webb had questions regarding some of the disbursements and asked for more information. His first question was about American Medical Response and what the company provides. Bill Bilyeu, County Administrator, came forward to say the payment is a supplement to have emergency ambulance services available in the unincorporated areas of the county. The county has built coalitions with some cities and splits the costs of the ambulance supplement pro rata based upon population.

Payment to the Channing Bete Company was for training materials and video for the Employee Health Clinic to provide CPR training to employees.

Everbridge is a notification service for use by 911 Sheriff's dispatchers. It provides prerecorded messages of certain public information such as weather emergencies. North Central Texas Counsel of Governments (NTCCOG) provides the telephone number information to the 911 center and the system uses that information to call out to a selected area. Future rollouts of the system will allow residents to enroll cell phone contacts via a website.

Payment to Coopers Copies is for laminated signs for emergency preparedness. The signs help direct the public in an emergency and can be used long term.

Commissioner Jaynes stated that he would step down from voting on payments to Rose and Nolte. Motion to approve disbursements with the exception of Dale R. Rose and Mitch Nolte. (Time: 2:28 p.m.)

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

COURT ORDER NO. 2011-322-05-23

A motion to approve disbursements to Dale R. Rose and Mitch Nolte. Commissioner Jaynes did not participate in the vote. (Time: 2:29 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed
Abstain: Commissioner Joe Jaynes

COURT ORDER NO. 2011-323-05-23

b. **AI-33618** Tax refunds totaling $341,861.47, Tax Assessor Collector.

COURT ORDER NO. 2011-324-05-23

c. Agreement(s):

1. **AI-33609** Utilization of a negotiated proposal from VAI Architects for an Adaptive Re-Use Study of the Collin County Juvenile Justice Alternative Education Program Building in accordance with Government Code 2254.004 and budget amendment in the amount of $12,250 for same, Construction & Projects..

Commissioner Webb questioned the reason for the expenditure. Bill Bilyeu, County Administrator, addressed the court in response saying the JJAEP will be relocated into its new facility in the next couple of months; the build out was just finished. The actual school capacity in the near time frame is lower than anticipated. To take advantage of lower construction costs, the county built out the building with three pods. This means there is extra space in the facility that can be reused for other purposes. The study will determine whether the excess space can be used for election administration. The study will look at space programming, storage capacity and the extensive electric needs for the elections warehouse.

Commissioner Webb asked if the Court would get a cost for restructuring the space for elections when the analysis is done. Mr. Bilyeu replied yes, they will look at it and come back with a cost. Referencing an attached document, Commissioner Shaheen clarified with Mr. Bilyeu that both items "A" and "B" in the document were for Elections. Judge Self gave comments regarding whether this will ever be what it was originally intended; schools know that the money follows the students and they are creating their own JJAEPs. Motion to approve the study. (Time: 2:34 p.m.)

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

COURT ORDER NO. 2011-325-05-23

2. **AI-33613** Interlocal Agreement with the City of Lavon for use of the County Access Road Funds for Right-of-Way (ROW) Participation on SH 78 from SH 205 to FM 6 (Bond Project No. 07-00-10 and 07-00-11) and further authorize the County Judge to finalize and execute same, Engineering.

Tracy Homfeld, Engineering, came forward to say the City of Lavon is requesting funds from the developer and upon receipt will reimburse the county.
(Time: 2:35 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-326-05-23

3. **AI-33614** Memorandum of Understanding with the City of McKinney for the use of city owned property for training purposes at no cost to Collin County and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-327-05-23

d. Amendment(s):

1. **AI-33633** No. 1 to County Clerk Microfilm & Storage (Contract No. 02050-06) with American Cadastre to extend the contract through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, County Clerk.

Commissioner Webb pulled this item to clarify that no additional costs will be incurred. Frank Ybarbo, Purchasing, came forward to say that this is a three month extension only, with no associated costs. Motion to approve amendment. (Time: 2:36 p.m.)

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

COURT ORDER NO. 2011-328-05-23

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

1. **AI-33637** May 2, 2011.

COURT ORDER NO. 2011-329-05-23

f. Miscellaneous

1. **AI-33654** Sale of Struck Off Property; Lots 435, 436, 437 and 438 of Block 1 in the Lavon Shores Estates Addition and further authorize the County Judge to finalize and execute the associated document, County Judge.

COURT ORDER NO. 2011-330-05-23

2. **AI-33616** 2008 Grant Adjustment Notice with the Texas Department of Public Safety for the 2008 Homeland Security Grant Program (HSGP) to acknowledge completion of the grant project and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2011-331-05-23

3. **AI-33578** Grant exemption from the competitive bid process per V.T.C.A. LGC 262.024 (a)(8)(d) for an item of food; for all food purchases made for the detention facilities, Sheriff.

Commissioner Shaheen pulled this item to make sure everyone was clear on why an exemption was being requested. Certain foods can be bid out every 30 days, making the process more competitive. Frank Ybarbo, Purchasing, came forward to say the Commissioner was correct; the law allows for two possibilities, annually or short term. However, it still has to have Commissioners' Court approval. Motion to grant exemption from the competitive bid process for food purchases made for detention facilities. (Time: 2:38 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2011-332-05-23

4. **AI-33647** Personnel Appointments, Human Resources.

COURT ORDER NO. 2011-333-05-23

5. **AI-33648** Personnel Changes, Human Resources.

COURT ORDER NO. 2011-334-05-23

6. **AI-33666** Acceptance of SECO Stimulus American Recovery and Reinvestment Act Grant in the amount of $120,400 for parking lot light fixture replacement, and further authorize the County Judge to finalize and execute associated documents, County Judge.

Judge Self gave comments to the court regarding why the county had this expenditure. These were federal stimulus dollars that were mandated to the replacement of light fixtures for energy efficiency. Because this was approved with the consent agenda, a separate vote was not taken. (Time: 2:39 p.m.)

COURT ORDER NO. 2011-335-05-23

GENERAL DISCUSSION

5. **AI-33634** North Texas Groundwater Conservation District update, County Judge.

Dan Collins, North Texas Groundwater Conservation District (NTGCD), addressed the Court with a presentation and update of the district; the state's current preferred method of managing groundwater conservation.

The formation of the district occurred in 2009 and consists of Collin County, Denton County and Cooke County. Senate Bill (SB) 2497 stipulated the appointment of three directors from each county; Collin County Directors are Mr. Collins, Eddy Daniel and Phillip Sanders.

Mr. Collins began by informing the Court that funding for the district will be obtained through usage fees. Mr. Collins showed an overview of the Trinity and Woodbine Aquifers with the Trinity running from Austin to the Red River; the Woodbine Aquifer from McLennan County across Cooke County and up to the Red River.

Eddy Daniel spoke next with information on the administrative section of the district. Each of the three counties have loaned the district $150,000 per year for two years. Every well in each county has to record the location and facts about the well with the district. There two type of wells, exempt and non-exempt. Exempt wells are domestic for watering livestock and use less than 25 gallons per minute. Non exempt wells are the larger wells which use more than 25 gallons per minute, such as for oil and gas, and must have a meter by January 2012; the readings must be submitted to the district. Pumping fees relate to the budget and funds the district. An online registration has been created so everyone can register their well. Chapter 36 of the Water Code requires a management plan within two years after organization. A temporary plan is in place and will allow them to set usage fees; identifying a permanent plan will be two to three years. The funding will be provided entirely by production fees especially from municipalities which is the most cost effective plan for end users. The money borrowed from the counties is only until production fees can be collected. In 2012 the district will be assessing production fees and paying back the loans. The Court was shown a breakdown of the budget including expenses.

The majority of the budget went for contract expenses such as legal work and hiring a professional to develop a management plan to make sure it is done correctly up front. There was an I.T. expense for developing the database for on line registration; however, this feature also prevents incurring any personnel costs. The district is very sensitive of costs and is doing everything possible to keep costs down for users. Commissioner Shaheen questioned the expenditure of $38,000. Mr. Collins replied this was to pay for consulting services to develop a management plan.

Commissioner Webb commented that the district was amassing a fund balance and it is going up significantly. Mr. Daniels responded that anything not used will be paid back to the counties. Commissioner Jaynes commended all three members for their work. Commissioner Shaheen asked about the capacity; Mr. Collins replied they are working on getting that information but it is roughly 365,000 gallons per year that can be pumped.

At current levels, the amount of the aquifer is decreasing. This is why managing is so important; the supply is depleting quickly. There are approximately 1,000 wells in the area which use greater than 25 gallons per minute. In the western portion of the district there is also transient water usage such as oil production. These producers are exempt from permitting, but not from usage fees. Denton County has by far the largest usage. Commissioner Shaheen asked about groundwater being used as a backup system in case of drought. Mr. Daniel replied this may not be feasible; you cannot use ground water to offset surface water. It is very expensive to access the ground water. Judge Self asked if other Groundwater Conservation Districts (GCD) worked. Mr. Collins replied, yes. A brief discussion regarding funding from the counties followed. The district must make their county reimbursement payment by 2012. Any new wells after April 1, 2012 must be registered regardless of exempt or non-exempt. One of the benefits of the registration is that the district will know where each well is located; they will have a very large database of where the wells are, how much usage they have, and other information regarding the well. (Time: 2:07 p.m.)

NO ACTION TAKEN

6. **AI-33644** Canvass the Local Option Election for the City of Blue Ridge held on May 14, 2011, for "The legal sale of beer and wine for off-premise consumption only", Elections.

Judge Self announced that items 6 and 7 would be discussed together.

Sharon Rowe, Elections, came forward with the results of the May 14, 2011 Local Option Election results for in the City of Blue Ridge.
There were 26 votes cast; 16 in favor and 10 against. The legal sale of beer and wine for off-premise consumption only in the City of Blue Ridge passed. Motion to approve. (Time: 2:21 p.m.)

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

COURT ORDER NO. 2011-336-05-23

7. **AI-33645** Canvass the Local Option Election for the City of Lowry Crossing held on May 14, 2011, for "The legal sale of all alcoholic beverages for off-premise consumption only", Elections.

Sharon Rowe, Elections, addressed the Court with the results of the May 14, 2011 Local Option Election for in the City of Lowry Crossing. There were 81 votes cast; 41 in favor and 40 against.

The legal sale of all alcoholic beverages for off-premise consumption only in the City of Lowry Crossing passed. Motion to approve.
(Time: 2:22 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Judge Keith Self
Vote: 5 - 0 Passed

Commissioner Jaynes asked when this would take effect. Ms. Rowe replied 30 days after canvass is taken it can move forward.

COURT ORDER NO. 2011-337-05-23

8. **AI-33620** Collin County Jail population and impact on overtime, County Judge.

Cynthia Jacobson, Human Resources (HR), addressed the Court with information regarding overtime and the Jail. Ms. Jacobson gave a brief history of overtime over the last five years. The county moved to PeopleSoft in 2006 and standardized calculations, at which time the overtime dropped significantly. Ms. Jacobson gave a short presentation that included the top overtime reasons for 2011; the cost is $235,967 over the last 10 payrolls. Overloaded pods are the top reason and accounts for 25% of the overtime. General housing accounts for 17%; Medical/Hospital accounts for 13%; Call in pay accounts for 9% and Staff Shortage is 7%. These top five categories account for approximately 71% of overtime for the Sheriff's Office. Another 8% is due to grants which are later reimbursed to county.

Unscheduled absences such as Catastrophic Time Off (CTO) also impacts overtime. In addition, inmates are staying longer which contributes to the overtime. A task force is working on finding how the inmates can be moved faster. Commissioner Shaheen asked about paper-ready inmates; Ms. Jacobson turned the floor over to Sherriff Terry Box.

Sheriff Terry Box came forward with information on inmate costs. The average time between sentencing and paper-ready status is 26 days. The year to date cost to Collin County for housing inmates is $1,042,921. By reducing the inmate's time at the jail by seven days, the cost would be reduced by $275,531. Sheriff Box is working on reducing paper-ready inmates by working with the District Attorney, District Clerk and District Judges to address overcrowding. The task force consists of Assistant Chief Deputy Randy Clark of the Sheriff's Office, 1st Assistant District Attorney David Wadill, the District Clerk and the District Courts. One of the factors effecting overtime in the jail is unscheduled absences; however, the amount of unscheduled leave allowed is only four days in a fiscal year without discipline. Another factor is staff vacancies. There are currently seven vacant positions.

The inmate population is above the staffing. Judge Self asked how the county could get to a resolution. Sheriff Box replied that there is a Judge's problem and a Clerk's problem to get the paperwork processed in a timely manner and get the inmates out of Collin County. It currently takes 26 days to get paperwork at a cost of $69 to $70 per day for each inmate. Commissioner Shaheen asked if Odyssey could help get the workflow down. Sheriff Box said this is not an Odyssey function; this is a paperwork not moving properly issue. They need a few weeks to get the issue resolved. Judge Self asked the Sheriff to get a resolution and said he appreciated his work. Commissioner Shaheen asked when the task force meets and wants to hear back when a resolution has been reached. The task force will meet at the end of this month. (Time: 2:20 p.m.)
NO ACTION TAKEN

9. AI-33652 Commissioners Court regular term meeting dates and time, Administrative Services.

The Court had a brief discussion on setting meeting dates and time. A motion was made to keep the current meeting schedule of Monday afternoon at 1:30 p.m.
(Time: 2:39 p.m.)

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

COURT ORDER NO. 2011-338-05-23

10. AI-33651 Board/Committee Appointments, Commissioners Court.

Commissioner Cheryl Williams nominated Jerry Kezhaya, to the Parks Foundation Advisory Board. (Time: 2:39 p.m.)

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

COURT ORDER NO. 2011-339-05-23

Commissioner Jaynes announced that he was stepping down from his role as Collin County member to the Regional Transportation Commission (RTC). Commissioner Jaynes then nominated Commissioner Duncan Webb to serve as member to the RTC. (Time: 2:40 p.m.)

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

Commissioner Webb nominated Commissioner Cheryl Williams to serve as alternate member to the RTC. (Time: 2:40 p.m.)

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

COURT ORDER NO. 2011-340-05-23

a. **AI-33626** North Texas Groundwater Conservation District Board.

Commissioner Jaynes made a motion to re-appoint Dan Collins, the at large board member, to the North Texas Groundwater Conservation District Board. The Court had a brief discussion regarding the appointment process. Tracy Homfeld, Engineering, came forward to explain that the Commissioners appoint the members based on nominations from the respective groups; the largest municipal producer and all other groundwater producer groups will nominate one member and then the Commissioners' Court will vote to appoint those individuals. The largest municipal producer is the City of Anna, but they have yet to make a selection. A motion was made to re-appoint the at large appointee, Dan Collins to the Board. Judge Self commented that the nominations for the other members need to be sent in so that the Commissioners could vote to appoint. (Time: 2:42 p.m.)

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

COURT ORDER NO. 2011-341-05-23

11. Potential 82nd Legislative items, Commissioners Court:

a. **AI-31816** Discussion and any action of legislative priorities

Bill Bilyeu, County Administrator, came forward with an update on the county's legislative priorities.

Items 3 and 12 have been sent to the Governor; all others are in different stages of the process with the exception of Item 14 which did not pass; however, it could come back in another bill. Commissioner Webb expressed his concern with SB 23; Commissioner Williams agreed. The bill possibly could affect the county. Commissioner Webb commented that it is frightening that a cap would not apply. A brief discussion followed. Mr. Bilyeu said there were over 50 amendments offered for SB 23 that day. It was suggested that the Court pass a resolution in opposition of SB 23. Motion to pass an Opposition Resolution on SB 23. (Time: 2:49 p.m.)

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

COURT ORDER NO. 2011-342-05-23

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

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:49 p.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

COMMISSIONERS COURT
COLLIN COUNTY
TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S