COURT ORDER NO. 2011- 635 09-12

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
AUGUST 22, 2011

On Monday, August 22, 2011, 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
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Cheryl Williams
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Duncan Webb

Commissioner Jaynes led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Judge Self 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 adjourned the meeting at 2:55 p.m.

President Self called to order the meeting of the **Collin County Health Care Foundation** at 2:55 p.m. and adjourned the meeting at 2:55 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-34052 Utilization of the State DIR cooperative contract (No. 835) to purchase 42 PCs for the JJAEP computer lab from Twotrees Technologies, Juvenile Probation.

2. AI-34103 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34060 Change Order No. 16 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Pricing Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

2. AI-33964 Utilization of the TIPS/TAPS cooperative contract (No. 1072309) to purchase 57 laptops from Compuquick, Inc., Elections.

2. Public Comments. Judge Self asked for any public comments. Eleven blue cards were received, nine people chose to speak. Each speaker was allowed three minutes to address the Court.

1. Judge Paul Raleeh, Justice of the Peace, Precinct 1, addressed the Court first. Judge Raleeh asked that the Court move the JP Functional Analyst, which was recently approved in the FY 2012 budget, under the IT department. This position will support all five JP Courts; however, no one is really qualified to set the annual goals and objectives for the position. Additionally, it could become difficult when reporting to five people. Judge Raleeh asked if the Court could make any changes to the position. Judge Self responded that since this was a budget item the Court could make changes.

Commissioner Shaheen asked for more information on the duties of the position. Caren Skipworth, IT, approached to answer questions regarding the other Functional Analysts. Ms. Skipworth informed the Court the other two analysts report to their respective elected officials. The position's responsibilities include configuration of codes and fees tables, modifications, and support for the software. Commissioner Shaheen had a different understanding of the position; he requested a meeting to get additional information. He sees the position as a super user and not an IT person who would be writing code. Commissioner Webb agreed with Commissioner Shaheen on who the position should report to. A brief discussion followed.

The remaining blue cards pertained to the recent redistricting of the Commissioners' Precincts. Judge Self prefaced the comments by informing the audience that the issue of redistricting cannot be discussed because it is not on the agenda. After reading section 551.042 of the Local Government Code regarding the issue, Judge Self opened the floor for comments.

2. Roger Harris, Council Member at Large, City of McKinney, addressed the Court with comments on the redistricting. He informed the Court he has been inundated with questions from constituents on how they can have input on the redistricting plan. Council Member Harris asked the Court to bring the issue back on a future agenda to give them the opportunity to be included in the decision.

3. Jason Gray, City Manager, City of McKinney, came forward. Mr. Gray informed the Court the City is seeking reconsideration of the adopted plan. There are many who oppose the plan recently approved. He presented an alternative map for the Court's consideration, which allows the citizens of McKinney the best possible representation. He asked that the Court post a meeting in the future to allow the citizens of McKinney to have input before the decision goes to pre-clearance.

4. Tom Udall, McKinney, came forward. Mr. Udall is the President of the Villages of Eldorado II HOA (Homeowners Association) which represents approximately 742 homes. The redistricting affects his community because it will split it into multiple precincts. He asked what the driving reason for the plan adopted was and asked the Court to reconsider their decision.

5. Jan Elwell, McKinney, came forward to read a letter from her husband who is the President of the Mallard Lakes at McKinney HOA and represents 286 homeowners. The homeowners expressed concerns over the adopted plan that will redistrict their neighborhood from Precinct 3 to Precinct 1. The action put their neighborhood in a precinct made up mostly of Frisco and Plano and they feel the action was taken in manner that was not transparent to their residents. They prefer to remain in Precinct 3; they do not want to lose their voice in McKinney. The the new lines are confusing and do not appear to serve the residents of McKinney.

6. Geralyn Kever, Council Member, City of McKinney, addressed the court. Council Member Kever asked for a hearing on the map recently approved. In the spirit of appreciation that the Court achieved the Texas Comptroller's Leadership Circle Gold Member Award for transparency in government, she requested the Court hear from its citizens which has always been critical to the Court.

7. Don Day, Council Member, City of McKinney, addressed the court asking for a delay in a final decision until they hold one more hearing. He recognizes the difficulty of redistricting; however, this has a major impact on the city and they would like the opportunity to provide input.

8. Jodi La Freniere, President, McKinney Chamber of Commerce, came forward. Ms. La Freniere expressed the Chamber's concerns regarding the redistricting. They feel the recently approved map is not in the best interest of McKinney and they did not have the opportunity to participate by providing input to the members of the Court.

They want to ensure McKinney has a voice in County affairs as it currently does in Precinct 3 with Commissioner Jaynes. They understand district lines need to be changed and they welcome more representation and involvement with Precinct 1, however, the approved map unnecessarily divides established neighborhoods and does not use natural boundaries such as major roadways.

Some of their most active voting districts were pulled from Precinct 3 into Precinct 1 which affects McKinney's voice moving forward. Three of the districts represented 25% of the overall city wide vote in the May 2011 elections. Given the impact this has on their community, they are respectfully requesting a hearing to allow citizen input.

9. Larry Thompson, McKinney, came forward. Mr. Thompson is the past President of the Eldorado HOA which represents approximately 726 homes. If the current map remains, it will be a disadvantage to any candidate who wishes to run for the Commissioner's seat. The demographics and voting population of the three districts that were moved make up a large portion of the voters in McKinney. Mr. Thompson does not think that representation from Frisco and Plano would be able to speak for the citizens of McKinney. He asked the Court to place the issue on an agenda and get the public's input.

With no other blue cards, Judge Self asked the Court if any member wanted to discuss future agenda items.

Commissioner Jaynes requested the issue be placed on the next court agenda for discussion. Judge Self clarified that the Court could discuss having a meeting for the agenda item; they are not discussing the item itself. A brief discussion regarding a date for the future agenda item followed.

Judge Self commented the date did not have to be set on this court; they could set a meeting and then schedule the agenda. Commissioner Williams opposes another meeting. Commissioner Shaheen agreed saying the Court had gone through a month long process and had a unanimous vote. Commissioner Jaynes replied that since the approved map did not come out until the morning of the vote, the citizens did not get the opportunity to see it and give their comments. An additional brief discussion regarding a meeting followed. A motion was made to schedule another Commissioners' Court meeting to discuss the issue. Commissioner Webb strongly opposed a meeting unless all Court members were present. The motion was amended to include scheduling a meeting to discuss the issue with all members present. (Time: 1:54 p.m.)

Commissioner Shaheen asked Bill Bilyeu, County Administrator, to come forward with an explanation of the logistics of redistricting. Mr. Bilyeu informed the Court that federal guidelines and rules require that they submit for federal government approval at least 60 days before an election change becomes effective.

This means a submission to the federal government must be no later than September 15, 2011. There is also consideration of the time it will take to write a submission document which can take from one week to 10 days. The document is very detailed and includes census data, feedback data and the impact on the minority population.

If looking for a meeting date, the Court needs to begin with September 15th and go back a minimum of 10 days prior to that date. Motion to add the agenda item to the September 6, 2011 Public Hearing. (Time: 2:04 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Duncan Webb
Vote: 4 - 1 Passed
Nay: Commissioner Cheryl Williams

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Commissioner Webb requested items 4d3, 4f1, 4g4 and 4g7 be pulled for discussion. Sharon Rowe, Elections, requested item 4g1 be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 2:40 p.m.)

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

a. **AI-34082** Disbursements for the period ending August 16, 2011, Auditor.
COURT ORDER NO. 2011-604-08-22

b. **AI-34051** Tax refunds totaling $236,344.12, Tax Assessor Collector.
COURT ORDER NO. 2011-605-08-22

c. Award(s):

1. **AI-34035** Services: On-Site Grinding/Mulching and Removal of Debris (IFB No. 05187-11) to Rose Contracting, Public Works.
COURT ORDER NO. 2011-606-08-22

d. Agreement(s):

1. **AI-34043** Interlocal Agreement with the City of Plano for the construction of Communications Parkway from Spring Creek Parkway to Tennyson Parkway (2007 Bond Project No. 07-062) County's participation NTE $2,100,000, budget amendment in the amount of $850,000 and further authorize the County Judge to finalize and execute same, Engineering.
COURT ORDER NO. 2011-607-08-22

2. AI-34028 Acceptance of the FY2012 Public Health Emergency Preparedness (PHEP) grant in the amount of $543,716; Contract No. 2011-038807 with the Department of State Health Services (DSHS) for Bioterrorism beginning August 1, 2011 through and including July 31, 2012, Homeland Security.

COURT ORDER NO. 2011-608-08-22

3. AI-34063 Novation Agreement for Services: Inmate Health Care (RFP No. 04479-08) to change the name from Correctional Healthcare Management, Inc. to Correctional Healthcare Companies, Inc. and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

Commissioner Webb pulled the item from the consent agenda out of concern with the language in the agreement. Frank Ybarbo, Purchasing, came forward. Commissioner Webb asked that he add language in last whereas to include they assume all duties and responsibilities of the assignor. Mr. Ybarbo replied that he would make the change. Because it is a standard agreement the county uses, he will add the requested language as a standard clause. (Time: 2:43 p.m.)

HELD

4. AI-34047 Interlocal Cooperation Contract with the Texas Department of Public Safety (Agreement No. 07259-11) for Miscellaneous Breath Testing Program effective September 1, 2011 through and including August 31, 2013 and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2011-609-08-22

5. AI-34061 Interlocal Agreement with the City of Plano to utilize $477,540 of the County's Local Initiative Project (LIP) funds to install Idle Reduction Technology in city police vehicles and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2011-610-08-22

e. Amendment(s):

1. AI-33981 No. 1 to Software Maintenance, AMCAD AiLIS County Clerk (Contract No. 10007-11) with American Cadastre to extend the contract for one (1) year through and including September 30, 2012 and further authorize the Purchasing Agent to finalize and execute same, County Clerk.

Commissioner Webb asked why there was a five percent increase in costs. He asked if it was for an extension in services or additional services. Stacey Kemp, County Clerk, came forward in response saying it is what the vendor charges each year going forward.

Commissioner Webb commented, this is similar to a CPI. Motion to approve the item as submitted. (Time: 2:45 p.m.)

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

COURT ORDER NO. 2011-611-08-22

f. Change Order(s):

1. AI-34065 No. 17 to Construction: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

Commissioner Webb requested clarification on the requested changes. First he asked about the occupancy sensors and what they do. Bill Burke, Special Projects, came forward to answer the questions. The sensors are part of the lighting control system; they automatically turn off the lights when an individual leaves the room. The engineer left the sensors out of that quadrant of the building; they added them back in. Next the Commissioner asked about the ISI/MCS Deductive Scope. Mr. Burke explained ISI manages the county's detention and access control integration programming. Some changes were made to door hardware in a previous change order. The vendor wanted more money for additional programming; Mr. Burke did not feel that was accurate. They found programming in the building that was no longer being used, so they removed that programming which resulted in a deduction in charges. Motion to approve the change order as submitted. (Time: 2:48 p.m.)

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

COURT ORDER NO. 2011-612-08-22

g. Miscellaneous

1. AI-34056 Early Voting locations, dates and hours for the November 8, 2011 Constitutional Amendment, Special Election, Elections.

Sharon Rowe, Elections, pulled this item for discussion in order to inform the Court that the Collin College Higher Education Center had been added to the early voting locations list after the list was submitted to the agenda. Commissioner Jaynes asked why early voting locations were being added east of US 75 when they are needed west of US 75.

They have discussed using the John and Judy Gay Library and various locations in Allen. Ms. Rowe replied that the library had very extensive programming and the location was not available. Commissioner Jaynes responded there are other locations. There is nothing for early voting west of US 75 for two very active cities. Commissioner Jaynes asked Ms. Rowe to find locations west of US 75 for early voting. Judge Self commented that depending on what was decided about the library, this could be $20,000 for the McKinney Library System. (Time: 2:55 p.m.)

HELD

2. AI-34058 Re-designation of Private Road 5588 to Cedar Lane (with associated updates), GIS/Rural Addressing.

COURT ORDER NO. 2011-613-08-22

3. AI-34046 2008 Grant Adjustment Notice with the Texas Department of Public Safety for the final close out and de-obligation of the unspent funds in the amount of $862.13 for the 2008 Homeland Security Grant Program (HSGP) and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2011-614-08-22

4. AI-34087 Upgrade cell phones for the Constables (Precincts 1 - 4) to iPhone 4's with voice and data service, Information Technology.

Commissioner Webb questioned why they were providing iPhones to the Constables considering the changes they are making to the offices. Commissioner Williams commented that she was partially to blame; she thinks is it appropriate for all elected officials to have an iPhone; however, she recently found out that Constable Barton refuses to use the technology.

Commissioner Webb does not see the need to provide technology to someone who refuses to use it. A brief discussion followed. Commissioner Williams thinks that all elected officials should have access to the technology and expressed her frustration that the technology is available but will not be used. The Commissioner was not inclined to approve the request. Caren Skipworth, IT, informed the Court that the Constables had requested the upgrade in previous courts, but were denied.

A motion was made to deny the request to upgrade cell phones for Constables Precincts 1-4 to iPhone 4s. (Time: 2:51 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 - 1 Passed
Nay: Commissioner Joe Jaynes

DENIED

5. AI-34036 Adoption of the amended Collin County Vehicle Usage & Take Home Vehicle Policy, Public Works.

COURT ORDER NO. 2011-615-08-22

6. AI-33980 Adoption of the revised Collin County Procurement Card Policy and Procedure Manual, Purchasing.

COURT ORDER NO. 2011-616-08-22

7. AI-34064 Acceptance of the Enforcing the Underage Drinking Laws Block Grant in the amount of $10,000 from TABC (Texas Alcoholic Beverage Commission), Sheriff.

Commissioner Webb, thanked Sheriff Terry Box for applying for the grant. After reading the report, the Commissioner was shocked to learn that during the period of November 1, 2010 through April 30, 2011, thirty nine (39) retail establishments were checked and thirty eight (38) of those were in noncompliance. The Commissioner expressed his gratitude to the Sheriff for applying for the grant to address the issue of underage drinking. Motion to accept the grant as requested. (Time: 2:53 p.m.)

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

COURT ORDER NO. 2011-617-08-22

8. AI-33955 Purchase one (1) Apple iPad2 with WiFi plus 3G (32GB) utilizing the Internet Crimes Against Children grant funds, Sheriff.

COURT ORDER NO. 2011-618-08-22

9. AI-34107 Personnel Changes, Human Resources.

COURT ORDER NO. 2011-619-08-22

GENERAL DISCUSSION

5. AI-34054 Public Hearing – Continued use of Election Day Vote Centers for the November 8, 2011, Constitutional Amendment, Special Election, Elections.

Sharon Rowe, Elections, came forward with information for the Court regarding the recent changes in the legislation and to request continued use of Election Day Vote Centers.

Judge Self opened the Public Hearing at 2:06 p.m. There was one blue card for public comment.

Patty Jantho, Plano, came forward with a prepared statement on behalf of the League of Women Voters of Plano, Collin County. They are in favor of the vote centers and believe they will increase voter turnout due to having multiple locations where everyone can vote on Election Day. The vote centers can eliminate the need for provisional voting should the voter be in the wrong precinct. They support Election Day Vote Centers with applicable safeguards that ensure easy access to the polls as well as adequate personnel, voting machines and parking. While recognizing that disruptions have occurred, they are confident the Elections Department will take the needed corrective action.

There being no further public comments, Judge Self closed the Public Hearing at 2:08 p.m.

NO ACTION TAKEN

6. AI-34055 Election Day Vote Centers for the November 8, 2011, Constitutional Amendment, Special Election, Elections.

Sharon Rowe, Elections, addressed the court with an updated list of the Election Day Vote Centers. The Collin College Higher Education Center was added as an Election Day Vote Center; seventy-five locations were submitted for the Court's review. Ms. Rowe would like to see more locations for November Elections to help guide voters to more convenient locations. Ms. Rowe asked for any questions from the Court regarding the voting locations.

Commissioner Williams had comments that included listening to hearings about reducing the number of centers and keeping the ones that are the most popular. She asked if there was any information on the centers as far as most popular versus the least popular. She asked that the centers be ranked by activity received. Commissioner Williams suggested consolidating locations that are close together. Ms. Rowe said she could rank the centers.

Ms. Rowe also commented that another consideration for the November elections is the cities and school districts and how SB (Senate Bill) 100 affects their jurisdictions; some are looking to include charter elections or additional elections. There has been discussion of consideration of seeing how the county can help them with locations in their jurisdictions.

Commissioner Williams clarified her statement using Wylie High School as an example. The high school is still being used as a location when the new complex is within walking distance. Many complaints were generated because of parking. At a minimum, Commissioner Williams wants dialogue with the City of Wylie. Too many people had to stand in the rain during the last election.

There are many concerns with the schools due to lack of parking and the disruption of the school business.

Commissioner Jaynes agreed that there is not enough parking in the schools and he does not want them to be inundated with people. The Court discussed using the larger churches as an alternative. Additionally, while the municipal complex is popular for voting, the Allen Event Center is a better alternative because of parking.

Commissioner Shaheen asked about using churches. Ms. Rowe responded they are a private facility so if something else came up, elections could be asked to use another location. There are also challenges in equipment delivery. Additional discussion of the consideration of using churches followed.

Judge Self asked what needed to be done to secure the larger facilities. Ms. Rowe responded they are looking at larger facilities; they met with Methodist hospital but at this time it is not feasible. They are looking at different types of locations; they are trying to blend what people are used to seeing with moving forward. Ms. Rowe informed the Court that if they had venues in mind to please let her know; she would evaluate them. Commissioner Jaynes prefers using the big box venues. Commissioner Williams opposes using schools; the larger venues are more known to the public.

The Court directed Ms. Rowe to rank the current locations and bring the item back to them on another court. Commissioner Shaheen requested a briefing on how Collin County conducts their election process. The item was held until brought back on a future court. (Time: 2:24 p.m.)

NO ACTION TAKEN

7. AI-34130 Civil Service Committee, County Judge.

Bill Bilyeu, County Administrator, came forward with a briefing on a Civil Service Committee. A petition has been received by the County Judge to create a Sheriff's Office only civil service operation. The petition begins the process whereby the Judge will call for an election of the Sheriff's employees. If a majority of the employees vote for civil service that will create a civil service process which requires a committee. The Sheriff, Commissioners' Court and the District Attorney will each have one appointment to the committee. The appointment must have resided in the county for at least three years and be more than 25 years of age.

Commissioner Jaynes asked Mr. Bilyeu to explain what the committee will do. It has to do the the Sheriff's operations; the committee will write rules on how an appeal can be made regarding promotions, demotions, terminations and the hiring process.

The committee will take a vote which is binding. It is a three person committee to review any issues an employee may have with the Sheriff's Office. This will not have anything to do with benefits or salaries. (Time: 2:28 p.m.)

NO ACTION TAKEN

8. FY2012 Budget Update:

a. AI-34137 City library systems.

Beth Scudder, Director of McKinney Library Systems, came forward with a briefing regarding funding. A memo was shown to the court which stated that the City of Plano has elected to begin charging non-resident fees for library services and Plano has respectfully withdrawn from Collin County's funding assistance for the Public Library System. The funding is based on total county population so Plano's withdrawal does not impact the services provided by the remaining libraries. They anticipate that demand for services will increase, so they are requesting that the funding remain the same and that Plano's portion be re-distributed to the remaining libraries. Ms. Scudder suggested seeing what impact there will be during the first year and come back and re-evaluate if necessary.

Commissioner Jaynes asked what Plano's portions equaled. Ms. Scudder shared a worksheet with Court members showing each library's funding. Judge Self commented that they no longer have a per capita amount; they have a flat budget as of last year. Commissioner Williams recommended they extract what Plano would have gotten and readdress the issue next year. Commissioners Webb agreed. Commissioner Jaynes disagreed; the rural libraries have taken severe cuts in budgets. They are not increasing the budget; the funding remains the same. Commissioner Shaheen agreed with Commissioner Jaynes. He thinks they should re-distribute the funds and suggested they look at the impact. Judge Self wants to think about the implications of the request and asked about Plano's Interlocal Agreements with other libraries and what that means.

Kathy Zigler, Director of Libraries, Plano, came forward in response saying informally it means if you give their citizens free library cards, they will do the same for yours. There are a number of libraries they currently reciprocate with; they also reserve the privilege to review the reciprocation. If they feel that someone is making a good faith effort, then they will reciprocate; if they feel someone is not, then they will not reciprocate.

Commissioner Shaheen asked who would be charged. Ms. Zigler replied anyone who they felt was not showing a good faith effort to provide comparable services. Additionally, only about two percent will pay a fee so charging non-residents will not be a significant source of income. Most non-residents will frequent libraries that do not charge a non-resident fee. Plano recommends that the Court maintain the current level of support so that the libraries who do not charge will not be adversely impacted.

A brief discussion followed. Judge Self requested the item be held until additional information could be gathered. (Time: 2:38 p.m.)

NO ACTION TAKEN

b. **AI-34138** Miscellaneous items for discussion.

NO ACTION TAKEN

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

Commissioner Williams requested discussion regarding which departments could be looked at more closely to see if services could be consolidated. (Time: 2:40 p.m.)

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:55 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