

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 9, 2017

COUNTY OF COLLIN

On Monday, October 9, 2017, 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:

Commissioner Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Judge Keith Self

Commissioner Fletcher led the Invocation.
Commissioner Hill led the Pledge of Allegiance.
Commissioner Webb led the Pledge of Allegiance to the Texas Flag.

1. Commissioner Webb called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and recessed the meeting at 1:55 p.m. The meeting was reconvened and immediately recessed into Executive Session at 1:56 p.m. Commissioner Webb reconvened Commissioners' Court at 2:10 p.m. and adjourned the meeting at 2:11 p.m.

Trustee Webb called to order the meeting of the Collin County Health Care Foundation at 1:56 p.m. and adjourned the meeting at 1:56 p.m.

Director Webb called to order the meeting of the Collin County Toll Road Authority at 1:56 p.m. and adjourned the meeting at 1:56 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-43865 Amendment No. 7 for CSCD, Offender Specimen Collection and Drug Testing Services (Contract No. 2015-200) with Treatment Assessment Screening Center, Inc to extend the contract for one (1) year through and including August 31, 2018, Adult Probation.

2. AI-43912 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. **AI-34688** Outstanding Agenda Items, Commissioners Court.
2. **AI-43833** Budget amendment in the amount of \$38,922 to establish the budget for Chapter 19 to be used for training, travel and temporary election employees, Auditor.
3. **AI-43752** P-Card Disbursements, Auditor.
4. **AI-43749** County overtime for the pay period ended September 24, 2017, Human Resources.

2. Public Comments.

3. Presentation/Recognition:

- a. **AI-43884** Employer Support of The Guard and Reserve (ESGR) to present Sheriff Skinner with the Patriot Award, Sheriff.

ESGR (Employer Support of the Guard and Reserve) is an organization established by the Department of Defense to recognize employers who support the men and women who serve our country in the Guard and Reserve. Ms. Phung Tran, a volunteer with ESGR, came forward to present Sheriff Jim Skinner with the Patriot Award. Deputy Parker Owens, Sheriff's Office, is currently on deployment, and had submitted an application recognizing the efforts of Sheriff Skinner to make it easier for him to be deployed and do the work he needs to do.

Sheriff Skinner said he is very grateful and honored to support our war fighters, and this is not done in a vacuum. It is done with the support of Commissioners' Court and employees across the County. Everyone has pulled together as a team to support the Guard and Reserve. (Time: 1:36 p.m.)

4. Consent agenda to approve: Commissioner Webb asked for comments on the consent agenda. Commissioner Fletcher pulled item 4k3 for discussion. With no further comments, a motion was made to approve the item. (Time: 1:37 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Chris Hill

Vote: 4 - 0 Passed

- a. **AI-43847** Disbursements for the period ending October 3, 2017, Auditor.

COURT ORDER NO. 2017-808-10-09

- b. **AI-43909** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2017-809-10-09

c. **AI-43755** Tax refunds totaling \$676,281.26, Tax Assessor/Collector.
COURT ORDER NO. 2017-810-10-09

d. Advertisement(s):

1. **AI-43837** Services, Onsite Grinding, Mulching and Removal of Debris (IFB No. 2017-347), Public Works.
COURT ORDER NO. 2017-811-10-09

e. Award(s):

1. **AI-43843** Professional Services, Mechanical, Electrical, and Plumbing (MEP) Engineering Services (RFQ No. 2017-246) and further authorize the Purchasing Agent to finalize and execute the Engineering Services Agreement, Construction Projects.
COURT ORDER NO. 2017-812-10-09

2. **AI-43877** Access Control and Time Collection Solution (RFP No. 2016-044), Information Technology.
COURT ORDER NO. 2017-813-10-09

3. **AI-43785** Office Supplies (Contract No. 2017-342) to Office Depot, Inc., Purchasing.
COURT ORDER NO. 2017-814-10-09

4. **AI-43836** Professional Services, Surveying (RFQ No. 2017-257) and further authorize the Purchasing Agent to finalize and execute the Professional Services Agreement, Special Projects.
COURT ORDER NO. 2017-815-10-09

f. Amendment(s):

1. **AI-43866** No. 1 to the Interlocal Agreement with the City of Weston for Animal Control and Animal Shelter Services to set the rate for FY2018 for an annual amount of \$5,000 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.
COURT ORDER NO. 2017-816-10-09

2. **AI-43897** Grant an exemption to the bidding process per VTCA LGC Sec. 262.024 (2), Discretionary Exemptions for Amendment No. 7 to Services: Janitorial (Contract No. 2013-033) with James Janitorial Services, LLC to extend the contract from October 1, 2017 through and including December 1, 2017 and further authorize the Purchasing Agent to finalize and execute same, Facilities.
COURT ORDER NO. 2017-817-10-09

3. **AI-43849** No. 10 to the Interlocal Agreement with the City of Anna for Animal Control Services to set the rate for FY2018 for an annual amount of \$35,827 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-818-10-09

4. **AI-43871** No. 10 to the Interlocal Agreement with the City of Lucas for Animal Control Services to set the rate for FY2018 for an annual amount of \$19,030 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-819-10-09

5. **AI-43872** No. 10 to the Interlocal Agreement with the City of Lucas for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$14,970 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-820-10-09

6. **AI-43857** No. 11 to the Interlocal Agreement with the City of Celina for Animal Control Services to set the rate for FY2018 for an annual amount of \$22,582 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-821-10-09

7. **AI-43861** No.11 to the Interlocal Agreement with the City of Lavon for Animal Control and Animal Shelter Services to set the rate for FY2018 for an annual amount of \$6,250 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-822-10-09

8. **AI-43862** No. 11 to the Interlocal Agreement with the City of Melissa for Animal Control Services to set the rate for FY2018 for an annual amount of \$19,976 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-823-10-09

9. **AI-43860** No. 11 to the Interlocal Agreement with the City of Princeton for Animal Control Service to set the rate for FY2018 for an annual amount of \$27,793 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-824-10-09

10. AI-43850 No. 11 to the Interlocal Agreement with the City of Anna for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$21,686 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-825-10-09

11. AI-43851 No. 11 to the Interlocal Agreement with the City of Celina for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$13,696 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-826-10-09

12. AI-43858 No. 11 to the Interlocal Agreement with the City of Farmersville for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$8,780 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-827-10-09

13. AI-43867 No. 11 to the Interlocal Agreement with the City of Frisco for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$281,210 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-828-10-09

14. AI-43864 No. 11 to the Interlocal Agreement with the City of Melissa for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$12,116 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-829-10-09

15. AI-43859 No. 11 to the Interlocal Agreement with the City of Princeton for the Facility Construction and Use of an Animal shelter to set the rate for FY2018 for an annual amount of \$16,769 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-830-10-09

g. Contract Renewal(s):

1. **AI-43868** Supplies: Veterinary and Animal Care (Contract No. 2017-074) with MWI Veterinary Supply dba MWI Animal Health to extend the contract for one (1) year through and including September 30, 2018, Development Services.

COURT ORDER NO. 2017-831-10-09

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

1. **AI-43870** \$9,541 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2017-832-10-09

i. Receive and File, Auditor:

1. **AI-43892** Monthly Financial Reports for August 2017.

COURT ORDER NO. 2017-833-10-09

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

1. **AI-43855** September 18, 2017.

COURT ORDER NO. 2017-834-10-09

k. Miscellaneous

1. **AI-43873** Acknowledgment of the issuance of the Arlington Higher Education Finance Corporation Education Revenue Notes (The Shelton Landmark Foundation), Administrative Services.

COURT ORDER NO. 2017-835-10-09

2. **AI-43885** Exemption from the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and further authorize the Human Resource Director to submit proper notice to authorities, Human Resources.

COURT ORDER NO. 2017-836-10-09

3. **AI-43913** Personnel Appointments, Human Resources.

Commissioner Fletcher asked Sheriff Jim Skinner to discuss the appointment of Christopher Barnes who is going from a contract position to permanent employee status. The Sheriff said Mr. Barnes came to work as a legal advisor for the Sheriff's Office at a contract amount of \$120,000. There was an understanding that this would translate into permanent pay. However, due to an oversight during the budget process, the salary of \$103,000 was applied for in the budget and approved. The Sheriff is asking the Court to approve this at \$120,000 plus benefits.

As an attorney himself, the Sheriff said the number of contracts Mr. Barnes is able to effectively review, craft and complete is rather remarkable. He has proven to be a very good representative for Collin County. Commissioner Webb said the contract amount was \$128,960, and as an independent contractor Mr. Barnes paid all of his benefits. Now the Sheriff's Office is asking for \$120,000 plus benefits which totals over \$150,000. Since this is over \$20,000, it becomes a budget situation. The Commissioner's other concern is the fact that the County will be bringing someone in above the midpoint of the salary range. The DA (District Attorney) has had ample opportunity to come before the Court to bring attorneys in above the midpoint, but he hasn't. This could be precedent setting.

Sheriff Skinner said he would make up the \$20,000 overage during the course of the budget year. He would not exceed the budget if this is approved. Commissioner Fletcher said the DA has on occasion used asset forfeiture funds to supplement salaries or other items in his budget and asked if that is something that could be done in this situation. Before the Sheriff could commit to this, he would need to make sure that it was thoroughly vetted to make sure he does not violate the statute or a state law. Commissioner Webb would like to explore this. Sheriff Skinner will research it, but reiterated what this attorney does on a daily basis is such a broad range of legal work involving many complicated contracts for the Sheriff's Office. Commissioner Fletcher asked Cynthia Jacobson, Human Resources, about the job classification of Mr. Barnes. Ms. Jacobson said this was looked at, and it is such a unique position in terms of duties and responsibilities that it was put at a very high level.

The Sheriff acknowledged he made an error during the budget process but assured the Court he would make up the difference during the course of the year. Commissioner Williams said, if the Sheriff stays within his budget, she does not see this as a budget issue. Commissioner Hill agreed. With no further discussion, a motion was made to approve the item. (Time: 1:53 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Cheryl Williams

Vote: 3 – 1 Passed

Nay: Commissioner Duncan Webb

COURT ORDER NO. 2017-837-10-09

4. **AI-43914** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-838-10-09

GENERAL DISCUSSION

5. AI-43856 Public Hearing - Consideration and any action for the issuance of a Mass Gathering permit for the Vintage Market Days event on November 17-19, 2017 at Myers Park & Event Center in accordance to Health and Safety Code Chapter 751, Special Projects.

Judy Florence, Myers Park and Event Center, said Market Days wants to come back for their November show and will be expanding to use both the show and stall barns this year.

Commissioner Webb opened the Public Hearing at 1:54 p.m. and asked for comments on the Mass Gathering permit. Hearing no comments, the Commissioner closed the Public Hearing at 1:54 p.m. With no further comments, a motion was made to approve the item. (Time: 1:54 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-839-10-09

6. AI-43910 Request to allow payroll participation in the S.H.E.R.I.F.F (Sheriff's Homefront Emergency Relief Initiative For Family) Fund, Sheriff.

PULLED

7. AI-43907 Board/Committee Appointments, Commissioners Court:

a. Myers Park Advisory Board.

Commissioner Hill advised the Court that his appointee, Stephen Kallas, has resigned from the Myers Park Advisory Board. The Commissioner then made a motion to appoint Lily Bao to the Advisory Board. (Time: 1:55 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-840-10-09

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

EXECUTIVE SESSION

Commissioner Webb recessed Commissioners' Court into Executive Session at 1:56 p.m. pursuant to Chapter 551.071 to discuss legal representation of former board member for Case No. 416-00382-2016 First Transit, Inc. v. Texoma Area Paratransit System, Inc. and matters related thereto.

Legal (551.071)

AI-43916 Legal representation of former board member for Case No. 416-00382-2016 First Transit, Inc. V. Texoma Area Paratransit System, Inc., and matters related thereto.

Commissioner Webb reconvened Commissioners' Court at 2:10 p.m. and asked if there was a motion with regard to the Executive Session. Commissioner Williams made a motion to authorize Bob Davis, Legal Counsel, to represent the County and the County's appointee to the TAPS (Texoma Area Paratransit System) Board in depositions regarding litigation between First Transit, Inc. and TAPS. (Time: 2:11 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 3 – 0 Passed
Abstained: Commissioner Chris Hill

COURT ORDER NO. 2017-841-10-09

With no further business of the Court, Commissioner Webb adjourned the meeting at 2:11 p.m.



Keith Self

Keith Self, County Judge

Susan Fletcher

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams

Cheryl Williams, Commissioner, Pct. 2

John D. Thomas

John D. Thomas, Commissioner, Pct. 3

Duncan Webb

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp

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