

STATE OF TEXAS

COMMISSIONERS' COURT

MEETING MINUTES

COUNTY OF COLLIN

JANUARY 9, 2012

On Monday, January 9, 2012, 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 Shaheen led the Invocation.

Commissioner Williams led the Pledge of Allegiance.

Commissioner Jaynes 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.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:14 p.m. and adjourned the meeting at 3:14 p.m.

Judge Self reconvened the meeting of the Collin County Commissioners' Court at 3:14 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-34693 Personnel Appointments, Human Resources.

2. AI-34694 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34695 Change Order No. 20 to Construction, Building: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Price Change Orders to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

2. **AI-34688** Outstanding Agenda items, Commissioners Court.

3. Notification of budget adjustment(s)/amendment(s), Auditor:

a. **AI-34658** \$1,000 to establish the budget for the U.S. Secret Service's North Texas Electronic Crimes Task Force funds.

b. **AI-34604** \$12,500 to establish the budget for the American Society for the Prevention of Cruelty to Animals (ASPCA) grant.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-34698** Certificate of Achievement for Excellence in Financial Reporting plaque presented to the County Auditor by Judge John Roach, Jr., Auditor.

Judge John Roach, Jr., came forward to present the Governor Finance Officers Association Award to Jeff May, County Auditor. This is the 33rd consecutive year that Collin County has received this award, placing it in the 99.5% percentile of all reporting entities eligible for this award in the country. Mr. May thanked the elected officials and department heads for their cooperation and he thanked his staff. (Time: 1:32 p.m.)

b. Service Pins for the month of January, Human Resources.

4. Consent agenda to approve: Judge Self pulled items 4c3, 4c4 and 4e1 for discussion and asked for any other comments. Commissioner Webb pulled multiple disbursements related to one item, payments to Court of Appeals justices. Commissioner Shaheen pulled 4g2. Commissioner Webb made a motion to approve the remainder of the consent agenda including all disbursements other than the payments to the Court of Appeals justices. (Time: 3:05 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

a. **AI-34682** Disbursements for the period ending January 3, 2012, Auditor.

Commissioner Webb asked Jeff May, County Auditor, for an explanation of the \$200 stipend for the Court of Appeals justices. Mr. May said according to Judge Roach these are salary supplements of \$200 a piece for the justices on the 5th Circuit Court of Appeals. Judge Roach told Mr. May there is an agreement with all of the counties to pay this on a pro rata basis. Bill Bilyeu, County Administrator, was not familiar with this agreement. Commissioner Shaheen asked who entered into the agreement. Mr. May

said he can find out more about this before the disbursement is made. Commissioner Webb wanted more information.

All disbursements with the exception of the payments to the Court of Appeals justices were approved with the consent agenda vote. (Time: 3:07 p.m.)

COURT ORDER NO. 2012-001-01-09

b. **AI-34669** Tax refunds totaling \$126,974.15, Tax Assessor Collector.

COURT ORDER NO. 2012-002-01-09

c. Advertisement(s):

1. **AI-34697** Construction, Fueling Station Canopies (IFB No. 10042-12), Construction & Projects.

COURT ORDER NO. 2012-003-01-09

2. **AI-34684** Design and Fabricate of Election Supply Carriers (IFB No. 12093-12), Elections.

COURT ORDER NO. 2012-004-01-09

3. **AI-34689** Replacement of Fuel Tank Dispensers and Fuel Tank Monitoring Systems (IFB No. 12075-12), Public Works.

Judge Self stated he was informed by Jon Kleinheksel, Public Works, that this is not the entire system. There is a \$2,500 extra cost to install a T1 line in Farmersville. Mr. Kleinheksel said \$2,500 is a portion of the contract. He wanted to take that portion out so they could begin work immediately. Caren Skipworth, CIO, said since AT&T doesn't offer any broadband wireless services in that area, they are recommending a T1. Judge Self said the Court is being asked to approve the advertisement for permission to move forward with the T1. Judge Self made a motion to approve. (Time: 3:10 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

COURT ORDER NO. 2012-005-01-09

4. **AI-34687** Electronic Key Management System (RFP No. 12090-12), Sheriff.

Judge Self asked Sheriff Box to explain the system. Sheriff Box stated they've had a problem keeping up with security keys for the entire jail system. This new key management system will give them a secured 18-gauge steel cabinet in the building. Someone with authority can type their name, enter their password and swipe a fingerprint and then remove a key. The system will show who has the key and at what time they got it. That individual will not be able to leave the building without checking

the key back in. The total estimated cost is \$62,000. The Sheriff's office is asking to go out to bid for this item. Judge Self made a motion to approve. (Time: 3:12 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 4 – 0 Passed

COURT ORDER NO. 2012-006-01-09

d. Award(s):

1. **AI-34685** Maintenance, Road: Microsurfacing (IFB No. 09314-11) to Ballou Pavement Solutions, Inc., Public Works.

COURT ORDER NO. 2012-007-01-09

e. Agreement(s):

1. **AI-34677** Interlocal Agreement with LifePath for equal quarterly installment payments of \$189,781.25 (totaling \$759,125 for FY2012) and further authorize the County Judge to finalize and execute same, Budget.

Judge Self wanted it noted that this item is for mental retardation, not mental health. This is not NorthStar. With that clarification, he made a motion to approve. (Time: 3:12 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 4 – 0 Passed

COURT ORDER NO. 2012-008-01-09

2. **AI-34686** Vehicle Tracking Pilot Program Agreement with Networkfleet, Inc. to effectively track fleet performance, further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-009-01-09

f. Change Order(s):

1. **AI-34696** No. 21 to Construction: Collin County Courthouse Addition (IFB No. 11067-10) with Turner Construction Company to add various Price Change Orders to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2012-010-01-09

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

1. **AI-34644** \$4,273,582 to reallocate funds to cover negative budget categories, Auditor.

COURT ORDER NO. 2012-011-01-09

2. **AI-34645** \$26,004,467 for FY2011 Bond Issues, Auditor.

Commissioner Shaheen asked for clarification from Mr. May that these are adjustments for 2011; these aren't bonds issued for 2012. Mr. May said these are budget amendments for issues related to the bond issues in FY2011. With that clarification, Commissioner Shaheen made a motion to approve. (Time: 3:13 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Duncan Webb
Vote: 5 – 0 Passed

COURT ORDER NO. 2012-012-01-09

h. Receive and File, Auditor:

1. **AI-34588** 4th Quarter Investment Report for FY2011.

COURT ORDER NO. 2012-013-01-09

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

1. **AI-34653** December 5, 2011.

COURT ORDER NO. 2012-014-01-09

2. **AI-34673** December 12, 2011.

COURT ORDER NO. 2012-015-01-09

j. Miscellaneous

1. **AI-34668** Sale of Struck Off Property located at 212 and 308 Lincoln Street, McKinney, Texas to Esperanza Tanguma and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2012-016-01-09

2. **AI-34690** Upgrade the ACU-1000 Radio Interoperability Gateway in the MICP, budget amendment in the amount of \$6,964 to establish the budget for the SHSP grant funded portion of the project, \$10,569 is funded from hurricane response reimbursement from FEMA (total cost \$17,533), Homeland Security.

COURT ORDER NO. 2012-017-01-09

3. **AI-34672** Amend the FY2012 Fee Schedule to establish a Juvenile Drug Court Program Fee of \$250, Juvenile Probation.

COURT ORDER NO. 2012-018-01-09

4. **AI-34675** Acceptance of a rebate check in the amount of \$3,397.11 for participating in the Local Government Purchasing Cooperative and BuyBoard program and budget amendment for same, Purchasing.

COURT ORDER NO. 2012-019-01-09

5. **AI-34691** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-020-01-09

GENERAL DISCUSSION

5. **AI-34666** **PUBLIC HEARING** – Placement of regulatory signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, came forward to request a public hearing for the placement of regulatory signs on various county roads. Judge Self opened the public hearing at 2:45 p.m. Hearing no comments, Judge Self closed the public hearing. Commissioner Jaynes made a motion to approve. (Time: 2:45 p.m.)

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

COURT ORDER NO. 2012-021-01-09

6. **AI-34661** RTR accounting report, Auditor.

Jeff May, County Auditor, came forward with the Regional Toll Revenue report. This report represents money the State is holding, not County funds. Mr. May focused on the fourth quarter reports. As of September 30, 2011, there was \$793 million available for projects in Collin County. There were investment revenues of \$1.4 million. That number drops every quarter because interest rates are going down. Currently there is \$32 million not allocated to any projects. This report is to track the money. Mr. May explained a report listing expenditures and the projects the funds were spent on as well as a report with the original budget and revised budget. Commissioner Shaheen said the report was very helpful and he would like to see it on Court every quarter. (Time: 2:50 p.m.)

NO ACTION TAKEN

At the conclusion of item 6, Commissioner Jaynes left the Courtroom.

7. AI-34616 Collin County Adventure Camp, Cabin Beds (IFB No. 04162-11) to Jess Distributors and further approval of a budget amendment in the amount of \$72,040, Construction & Projects.

COURT ORDER NO. 2012-022-01-09

8. AI-34626 Collin County Adventure Camp, Mattresses (IFB No. 04163-11) to Cornerstone Detention and further approval of a budget amendment in the amount of \$33,393, Construction & Projects.

Items 7 and 8 were discussed together. Camp Director Neal Rosenbaum stated the process for updating the beds and mattresses began in April 2010. Following survey results from guests, a large portion of the evaluations cite the beds as a negative factor after using the facility. The beds were designed as a youth bed for a detention center. Commissioner Shaheen said the beds are not that old. He visited the camp and stated he's seen worse beds at other facilities.

Commissioner Jaynes said he would support the request. Commissioner Webb said he also visited the camp. He laid in a bed and, based on its size, it would be impossible for him to sleep in. He understands Commissioner Shaheen's concerns on the financial side. He supported the request with one caveat. He has a concern whether the new foam is sufficient to stop complaints from adult guests. Following discussion, Commissioner Jaynes made a motion to approve items 7 and 8. (Time: 2:26 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Duncan Webb
Vote: 3 – 2 Passed
Nay: Commissioner Cheryl Williams
Commissioner Matt Shaheen

COURT ORDER NO. 2012-023-01-09

9. AI-34714 2012 Primary Election Calendar, Administrative Services.

Sharon Rowe, Elections Administrator, said the primary is scheduled for April 3rd. Ms. Rowe said they are waiting to see if that will hold, if the deadlines for functions that need to be completed for wrapping up redistricting can be accomplished in that time frame. They are looking at eleven weeks needed on the timeline to accomplish all those things. Ms. Rowe was involved in a telephone conversation with several county organizations and working with counties interested in providing information on the challenges they face on deadline changes. They have shown their support by proposing modification on the deadlines and changes in the schedule itself without changing the date of the election. Collin County redrew the Commissioners' precinct lines, and the Justices of the Peace and Constables which were affected by those precinct lines. They are waiting to see which lines will be affected. Judge Self asked if the county can meet the deadlines under the Court-ordered maps. Ms. Rowe said she doesn't see how we could.

For the April 3rd election, every day that is delayed in making a decision makes it harder and harder to comply and meet those deadlines. (Time: 2:55 p.m.)

NO ACTION TAKEN

10. AI-34596 Tyler Odyssey Judge Edition software which includes: Amendment No. 6 to the TechShare Resource Sharing Addendum Common Integrated Justice System (CIJS) Court Administration with the Texas Conference of Urban Counties, End User License Agreement and Professional Services Agreement with Tyler Technologies, hardware associated with the project, budget amendment in the amount of \$169,952 and further authorize the County Judge to finalize and execute same, Information Technology.

Caren Skipworth, CIO, said this item was budgeted in the FY2012 budget. She was requested to bring it back to the judges to discuss agreement and use of the product before purchasing it. Administrative Judges Mason and Rusch said they will put it in every court including the auxiliary courts for visiting judges to start working so they can reduce the number of paper file cases in the courtrooms. It will not eliminate all papers; some must be printed for signature, but it will significantly reduce the amount of paper in a case file jacket for the judges. Ms. Skipworth explained the benefits and said she was requesting permission to move forward with this project. Commissioner Shaheen was torn because the technology that has been implemented so far has not been widely adopted by the judges. Now they want to invest more money. History tells him if you don't use the earlier version of technology, you won't use secondary versions. Ms. Skipworth said this product is just for judges, not for the clerk's office. Judge Self saw a demonstration. He thought it looked user friendly. Ms. Skipworth said all the judges have agreed to use it because it will help them maintain their docket. (Time: 3:02 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 4 – 0 Passed

COURT ORDER NO. 2012-024-01-09

11. AI-34533 TIRZ Policy, Administrative Services.

Commissioner Jaynes asked that this item be placed back on the agenda. He stated after reading the policy and looking at it for over a year, he is comfortable with the policy as is and he made a motion to approve. Commissioner Shaheen stated he is also comfortable with the policy and he seconded the motion.

Commissioner Williams thought a number of issues remained, particularly with the wording. The Commissioner went through the policy and stated her concerns. There was extensive discussion among Court members and Mr. Bilyeu regarding her concerns, including discussion of participation requirements, 4a: "the County's participation percentage may not exceed the City's participation percentage when all

City tax revenues (property and sales taxes excluding Community Development Corporation and Economic Development corporation rebates) are calculated within the TIRZ." Following discussion, Judge Self itemized the five changes discussed: definition of "applicant"; definition of "project plan"; adding the word "category" to project specific participation; all County participation must be for Project Specific Categories; and County participation must be governed by an Interlocal Agreement executed by the municipality and County formalizing the terms and condition of participation.

Commissioner Jaynes modified his motion to include the items discussed, but he wanted the EDC and CDC to remain unchanged. (Time: 2:18 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 3 – 2 Passed
Nay: Commissioner Cheryl Williams
Commissioner Duncan Webb

COURT ORDER NO. 2012-025-01-09

12. AI-34692 Personnel Changes, Human Resources.

Judge Self asked District Clerk Andrea Stroh Thompson and Human Resources Director Cynthia Jacobson to come forward. There was a brief discussion of personnel changes but Judge Self wanted to discuss the position of Chief Deputy in the District Clerk's office. Staff was recommending an 8% increase for the individual hired for this position rather than the standard 5% as set forth in policy. Judge Self said he understands that Ms. Thompson came into a difficult position but he felt this would be setting a precedent. Ms. Thompson stated she understands precedent, but feels her position is unprecedented. Her office had the removal of the top three positions. The number two spot is very important and will be as involved as Ms. Thompson. She thought it was an opportunity to elevate the position to what it could be rather than what is has been. The individual hired has a Master's degree in Public Administration, a paralegal certificate, and a grant writing certificate. The request is 2.75% over standard.

Commissioner Williams said she thinks it's critical that our new District Clerk get a team in place that she is comfortable with and that can deal with the numerous challenges that office has to deal with. The Commissioner supported the request. Judge Self said a team would be put in place in any event. The extra 2.75% is not contingent on this individual coming or not. Commissioner Jaynes asked Ms. Thompson if she will do the same with her number three person. Ms. Thompson said it was not her intention but she is evaluating every position. The Court had concerns about financial positions being filled by people without financial backgrounds. Ms. Thompson said she would be evaluating those positions also.

Judge Self again asked about precedent because of the two positions that are considered like positions. Commissioner Williams said precedent doesn't occur until you make a second vote. The only time precedent is set is if the Court doesn't have the fortitude to say no. Ms. Jacobson said HR always recommends 5%; after that, it is a Court decision. Commissioner Shaheen had a problem with deviating from policy. Commissioner Webb said he was torn. He did not realize the differential between this position and the two like positions was so severe. He's concerned that the extra \$2,000 will cause ill will. Ms. Thompson asked the court to consider the fact that the position this individual is leaving had a phone; this new position does not. Caren Skipworth, IT Director, said a phone could be provided.

Commissioner Webb made a motion to approve the 5% increase and a phone allocation. Judge Self noted the Court would be voting on all other personnel changes listed as well. (Time: 2:44 p.m.)

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

COURT ORDER NO. 2012-026-01-09

Following the vote Ms. Thompson said she is excited at the opportunity to serve the county and she appreciates the Court's support.

13. Board/Committee Appointments, Commissioners Court:

a. AI-34704 Child Protective Services Board.

Commissioner Webb re-appointed Mike Bronsky to the Child Protective Services Board. (Time: 3:03 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 4 – 0 Passed

COURT ORDER NO. 2012-027-01-09

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

Judge Self wants an update on the status of the Alternative Dispute Resolution Program. Commissioner Williams wants a discussion regarding the right of way for future Stacey Road. (Time: 3:03 p.m.)

EXECUTIVE SESSION

Executive Session, in accordance with Chapter 551 of the Government Code, to discuss the following subjects:

Legal (551.071)

AI-34602 Pending or Contemplated Litigation and Attorney–Client Information.

NO ACTION TAKEN

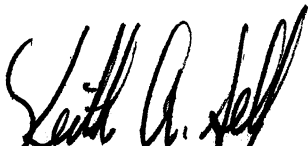
AI-34713 Advice from legal counsel regarding the creation of the Lakehaven Municipal Utility District (MUD) of Collin County, Administrative Services.

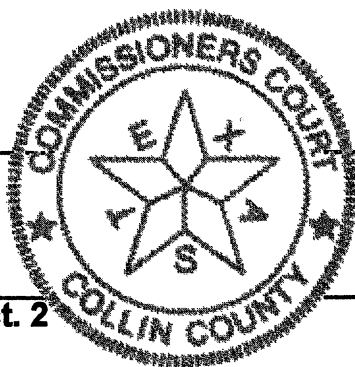
NO ACTION TAKEN

Following the conclusion of the consent agenda, Judge Self recessed the meeting of the Commissioners' Court and called to order the meeting of the Health Care Foundation at 3:14 p.m.

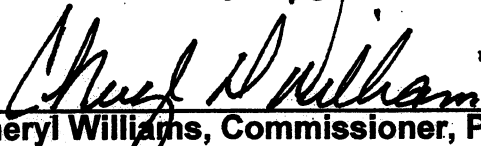
At the conclusion of the meeting of the Health Care Foundation, Judge Self reconvened the meeting of the Commissioners' Court at 3:14 p.m. and recessed into Executive Session under Paragraph 551.071, Legal, to consult with their attorney regarding the creation of the Lakehaven Municipal Utility District (MUD) of Collin County.

Judge Self reconvened the meeting of the Commissioners' Court at 3:59 p.m. and the meeting was adjourned at 4:00 p.m.


Keith Self, County Judge




Matt Shaheen, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Joe Jaynes, Commissioner, Pct. 3
ATTEST:


Duncan Webb, Commissioner, Pct. 4


Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S