

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
MAY 14, 2012

COUNTY OF COLLIN

On Monday, May 14, 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

Commissioner Matt Shaheen, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Joe Jaynes, Precinct 3

Commissioner Duncan Webb, Precinct 4

Commissioner Webb led the Invocation.

Judge Self led the Pledge of Allegiance.

Commissioner Shaheen 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.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35208 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.

2. AI-35155 Placement of a historical marker to recognize the Collin McKinney cabin (namesake of the County and City), Public Works.

3. AI-35212 Collin County will host three (3) bicycle races scheduled for May 19, 2012, June 9, 2012 and October 20, 2012, Public Works.

2. Public Comments.

Roy Serpa, Fairview, said he was upset during the last campaign about rhetoric that was aimed against Keith Self. He doesn't believe it belongs in Collin County. Last week he read a similar article in the McKinney Buzz which bordered on character assassination. The Republican symbol was in the index. Mr. Serpa was disappointed as

a registered Republican that he didn't hear anything from the Republican Party or the candidate that this person was supporting disavowing themselves from this position. He complimented the staff and commissioners on the performance he has observed over the last six years he's been in the county. He's proud to be in Collin County and proud to be in Texas. (Time: 1:43 p.m.)

3. Presentation/Recognition:

a. **AI-35157** Tyler Technologies recognizing the Collin County CIJS Leadership and Project Team for the receipt of the 2012 Excellence Award, Information Technology.

Caren Skipworth, CIO, came forward to announce that Collin County was the recipient of the 2012 Excellence Award from Tyler Technologies. The CIJS project was a five-year long project which went live in October 2010. It was one of the largest projects Collin County has ever undertaken. Michael Kleiman, Tyler Technologies, presented awards to: County Clerk Stacey Kemp, District Clerk Andrea Thompson, District Attorney Greg Willis, Sheriff Terry Box, Judge Paul Raleeh, County Auditor Jeff May, and CIO Caren Skipworth. Members of the project team who received awards were: Jessica Likness, Jessi Westmoreland, Jessica Griffith, Kristy Littrell Duty, Rhonda Watkins, Misti Bilderback, Shannon Robertson, Lynette Saetre, Mike Malak, Joe Fierro, Bryan Yates, Robyn Winans, Tracie Tidwell, Mike English, Mike Jenkins, Jerry Higgins, Sgt. Purser, Sgt. Gann, and Tonya Smith.

Mr. Kleiman thanked them for combining 30 plus systems into one. Judge Self and the Commissioners' Court thanked everyone for their work. (Time: 1:40 p.m.)

b. Service Pins, Human Resources.

County Clerk Stacey Kemp presented Pam Dugger with a service pin for 25 years of service. (Time: 1:33 p.m.)

4. Consent agenda to approve: Items 4c2, 4c3, 4d2, 4g1 and 4g2 were pulled and discussed. Judge Self deleted item 4b1 and held 4g5 until next week. The Judge asked for comments on the remainder of the consent agenda. Commissioner Webb pulled item 4g8 and two expenditures, one to Gwen Rawls and one to Schindler Elevator. Commissioner Williams pulled item 4e1a for a correction and made a motion to approve the remainder of the consent agenda. (Time: 2:54 p.m.)

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

a. AI-35166 Disbursements for the period ending May 8, 2012, Auditor.

Commissioner Williams made a motion to approve all disbursements with the exception of disbursements to Schindler Elevator and Gwen Rawls.

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-287-05-14

Commissioner Williams made a motion to approve the disbursements to Schindler Elevator and Gwen Rawls. (Time: 2:55 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Abstained: Commissioner Duncan Webb

Vote: 4 – 0 Passed

COURT ORDER NO. 2012-288-05-14

b. Advertisement(s):

1. **AI-35177** Audio Visual for Justice of the Peace (JP) Courtrooms (RFP No. 03190-12) and budget amendment in the amount of \$250,000 for same, Justice of the Peace, Precinct 1.

PULLED

c. Agreement(s):

1. **AI-35176** Personal Services Agreement with Denny Burnside (Contract No. 05228-12) to conduct plumbing inspections on an as-needed basis and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-289-05-14

2. **AI-35061** Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the use of the SH 121 Regional Toll Revenue (RTR) Funds for Right of Way (ROW) Acquisition for the SH 121 from SH 5 to 1.65 miles West of FM 455 project and further authorize the County Judge to finalize and execute same, Engineering.

Items 4c2 and 4c3 were discussed together.

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-290-05-14

3. AI-35185 Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for the use of the SH 121 Regional Toll Revenue (RTR) Funds for Right of Way (ROW) Acquisition for the US 75 from Telephone Road (CR 275) to North of Melissa Road project and further authorize the County Judge to finalize and execute same, Engineering.

Items 4c2 and 4c3 were discussed together. Ruben Delgado, Engineering, came forward. Previously TxDOT has required local government to put up 10% of the funds for right of way. In this case the right of way is going through Melissa. \$17-20 million is more than Melissa's budget can handle so TxDOT agreed to use RTR money for the 10% shared local right of way. Melissa and Anna agree that 10% will be funded by the RTR money. Judge Self noted this is RTR money that is unallocated as of now; it's not being taken off of another project. This applies to 75 and 121 both in Melissa.

Commissioner Jaynes made a motion to approve. Following discussion, Commissioner Shaheen objected to this request. The Commissioner said we have a process with our cities and we're deviating from our process. Commissioner Webb asked if there would be an impact if the Court waited a month. Mr. Delgado recommended approving this now. Commissioner Shaheen said he strongly objects. Commissioner Jaynes said he strongly endorses it. He would rather this money go to 75 and 121. Commissioner Webb agrees we're deviating from the process but he understands how important this is. The Commissioner wants to make sure if we delay this, it doesn't have repercussions versus if we don't delay it and enact it now. Mr. Bilyeu asked if we could hold this item for a few minutes in order to give Ms. Homfeld time to provide additional information. Judge Self said this is going to be funded out of this account. He doesn't think this is a time to make an issue of who controls this money, the county or the state, because this is in a state bank account. The item was held at 2:23 p.m. and reconvened at 2:34 p.m.

Mr. Delgado again stated that it's important that the court approves these agreements today. TxDOT has had the funds in place to begin the right of way process since January. Mr. Bilyeu said Ms. Homfeld's information was that this will delay the let if it is not approved today. Before anyone spoke to the cities TxDOT had said this is how the money would be spent. Judge Self said on January 26th the state had allocated these RTR dollars. Judge Self asked for a motion but recommended the Court approve. Commissioner Jaynes made a motion to approve 4c2 and 4c3. (Time: 2:34 p.m.)

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

COURT ORDER NO. 2012-291-05-14

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

1. **AI-34995** \$6,822 to establish a budget to allocate donations received by Animal Services, Development Services.

COURT ORDER NO. 2012-292-05-14

2. **AI-35107** \$90,300 to pay for visiting judges for the remainder of the fiscal year, 296th District Court.

Judge John Roach came forward. Judge Roach said due to unusual cases in Collin County, we are low on funds to pay for visiting court judges. The 380th District Court has had a vacancy on the bench for almost two years. The state has been paying for a visiting judge up through January 1, 2012. They have run out of funds to keep a visiting judge in there. At the end of April of this year Judge Dry retired from the 199th District Court so that seat is vacant as well. With multiple candidates in the upcoming election on May 29th, it's possible there could be a runoff at the end of July. That court has to be maintained until that time. Due to the depletion of funds as a result of these other cases, there are insufficient funds to pay for the Crimes Against Children (CAC) docket. Judge Roach has been working really hard with the Legislative Budget Board and the Comptroller's office to have funds transferred to Collin County. However, any funds for vacant state benches are allocated to another line item in the state budget, not to the judges. They denied his request to have those salaries transferred to the first judicial administrative region or to Collin County to pay for the visiting judges.

Judge Roach requested a budget amendment of \$90,000 for the six-week window after the elections and to fund the CAC Court. Monika Arris, Budget, said there are funds to cover this in program contingency. Not funding these courts would result in not disposing of about 420 cases per month. Commissioner Webb noted we also run into speedy trial issues. Following discussion, Commissioner Shaheen said it's the state's decision to shut these courts down. It's up to the Commissioners to use county dollars to keep them open.

Judge Self said the state representatives suggested working out a deal with the state. The Judge wants to fund this for a short period of time and he wants to get our legislative delegation working for us. Judge Roach said in the state's defense, they did not anticipate four sets of indictments against public officials. Commissioner Williams feels we need to fund the request, but get our legislators involved. Commissioner Webb agreed. Judge Roach is willing to work with anybody he has to in order to get it done. (Time: 1:58 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-293-05-14

e. Receive and File, Auditor:

1. Monthly Financial Report(s):

a. AI-35161 March 2012.

This item was pulled without discussion. Commissioner Webb made a motion to approve. (Time: 2:56 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-294-05-14

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

1. AI-35172 April 23, 2012.

Commissioner Williams made a correction to the minutes. Her appointment to the Planning Board was Mardy Brown, not Marty Brown. With that correction, Commissioner Williams made a motion to approve the April 23rd, 2012, minutes. (Time: 2:55 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-295-05-14

g. Miscellaneous

1. AI-35190 Authorizing the Issuance and Sale of Collin County, Texas, Unlimited Tax Road and Refunding Bonds, Series 2012; Approving the Official Statement, Bond Purchase Agreement, Escrow Agreement and an Engagement Letter; Levying a Tax and Providing for the Security for and payment of said bonds; and enacting other provisions relating to the subject and further authorize the County Judge to finalize and execute associated documents, Budget.

Items 4g1 and 4g2 were discussed together.

Motion by: Commissioner Duncan Webb

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-296-05-14

2. AI-35191 Authorizing the Issuance and Sale of Collin County, Texas, Limited Tax Refunding and Improvement Bonds, Series 2012; Approving the Official Statement, Bond Purchase Agreement, Escrow Agreement and an Engagement Letter; Levying a Tax and providing for the security for and payment of said bonds; and enacting other provisions relating to the subject and further authorize the County Judge to finalize and execute associated documents, Budget.

Items 4g1 and 4g2 were discussed together. David Medanich, First Southwest, came forward with a power point presentation. In a previous meeting there was a discussion of the sale and refunding of \$40 million worth of new money bonds as well as some outstanding issues with higher interest rates. Mr. Medanich said the bond market has improved. The unlimited tax refunding bonds had a yield of 4.8% and they were refunded at 2.084% for a savings of approximately \$2.74 million. The limited tax refunding bonds were issued at 4.8% and refunded at 2.25% for a savings of \$2,025,111. That represents a total savings of approximately \$4.7 million. Mr. Medanich addressed the Court's attention to debt service on the \$40 million and impact of refunding. Following discussion, Ms. Arris said we need a vote on both items. Commissioner Webb made a motion to approve items 4g1 and 4g2. (Time: 2:31 p.m.)

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

COURT ORDER NO. 2012-297-05-14

3. AI-35175 Additional scope and fee to Spurgin and Associates Architects (RFQ No. 10010-09, Professional Services, Architect for Small County Projects) for Myers Park Amphitheater and Toilets (IFB No. 09298-11) for the alternate design of the back row seating, Construction & Projects.

COURT ORDER NO. 2012-298-05-14

4. AI-35159 Re-designation of County Road 401 to Simpson Road with associated address updates, GIS/Rural Addressing.

COURT ORDER NO. 2012-299-05-14

5. AI-35160 Re-designation of County Road 403 to Dowdy Road (East–West section) and Highridge Trail (North–South section) with associated address updates, GIS/Rural Addressing.

HELD

6. AI-35167 Abandonment of a portion of Holiday Drive undeveloped right-of-way within Holiday Harbor Estates, Public Works.

COURT ORDER NO. 2012-300-05-14

7. **AI-35156** Participation by the Collin County Master Gardeners Association in the Adopt-A-Road Program to clean up and control litter along CR 166 and further authorize the County Judge to finalize and execute the Hold Harmless Agreement and General Release, Public Works.

COURT ORDER NO. 2012-301-05-14

8. **AI-35170** Reduce Stone Road (2007 Bond Project No. 07092) Project by \$501,716 and reallocate funds to Collin County's Discretionary Bond Funds, Public Works.

Commissioner Webb pulled this item because in the write up in the court order it references \$501,716 but the city council resolution just uses the amount of \$500,000. The question is should the court order match up with the city council resolution. Mr. Bilyeu said \$501,000 is left from when we put together the proposal a long time ago to put the bond package together. Commissioner Webb asked if we are going to penalize the city. Is that the whole amount that is in the bond project? Jon Kleinheksel, Public Works, said there's more than \$500,000 in the bond project. Commissioner Webb said he is okay with authorizing \$501,000 as long as the city understands we're taking \$501,000. Mr. Bilyeu recommended approving \$500,000. \$501,000 is what it added up to but the city only gave us \$500,000. Commissioner Webb made a motion to approve \$500,000, not \$501,716. (Time: 2:58 p.m.)

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

COURT ORDER NO. 2012-302-05-14

9. **AI-35192** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-303-05-14

10. **AI-35193** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-304-05-14

GENERAL DISCUSSION

5. **AI-35149** Progress and change orders for the Jail Waterline Project presented by Halff and Associates, Inc., Construction & Projects.

Bill Burke, Building Projects Manager, said the engineers from Halff and Associates will be making this presentation. Philip Applebaum is the Program Manager to the indefinite delivery contract Halff and Associates holds with the county. Chandler Woods is the Project Engineer. The project is for replacement of old domestic galvanized pipe to copper. Following brief explanation of the project, Judge Self asked Mr. Woods if, in his professional opinion, these changes were necessary or were we redesigning the project as we went. Mr. Woods replied the first two were redesigns that occurred after the project was bid and amounted to 11% of the project cost. Last several were unforeseen

conditions that were discovered by the contractor and resulted in 5%. Judge Self asked if 15.67% of a contract of this size and type was reasonable. Mr. Woods said this was a retrofit project in a jail with lots of duct work piping to work around. It was within the range of reasonableness with a complicated retrofit like this. Judge Self thanked them for coming in. (Time: 2:09 p.m.)

NO ACTION TAKEN

6. AI-35163 Participation in the National IPA (Intergovernmental Purchasing Alliance) Cooperative Contract Program as authorized by Local Government Code 271.102 (Cooperative Purchasing Program Participation), Purchasing.

Frank Ybarbo, Purchasing Agent, came forward. This is a national cooperative we moved to several months ago to buy office supplies. The county moved from the Texas Cooperative Purchasing Network because this provided us better costs. In a six-month period the county saved over \$18,000 in office supplies. They are not legally required to bring this before the Court but Mr. Ybarbo stated they seek the Court's approval whenever they move to a different cooperative. Commissioner Williams made a motion to approve. (Time: 2:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-305-05-14

7. AI-35207 Review of the TCDRS conference, County Judge.

Judge Self had a presentation for Court members. The retirement systems are in the interim charges of both the House and Senate. The House will have a hearing after the primary. The conference was about internal mechanisms of the retirement system. It is managed well. The national level discussion in retirement systems today is the 8% guarantee that everyone talks about. They cautioned people several times when discussing retiree pay raises because that goes immediately to the bottom line. Retiree pay raises dropped from 157 offered in 2008 to 57 this year. TCDRS says our yearly loss that we have to pay back is nearly \$2 million. When you look at our nearly \$300 million portfolio in TCDRS, 9% of \$300 million is \$26-27 million. Collin County now has an unfunded mandate of about \$26-27 million. Last year Collin County paid \$40.5 million. Cynthia Jacobson, Human Resources, stated she's made a request for a payoff amount. Commissioner Webb requested that TCDRS come in and give a presentation. Ms. Jacobson said she will make that request. In conclusion, Judge Self stated the losses per employee for 2001 were \$4,000; for 2011 it was \$6,500 per employee. (Time: 2:40 p.m.)

NO ACTION TAKEN

8. AI-34936 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Judge Self said we have a map with five counties total and an anchor which has the staff and expertise and is funded by state funds so they should be able to get part of their expenses matched by state Medicaid funds as promised. This outcome is as good as we could have asked for. Commissioner Williams agrees it's the best outcome we could have anticipated. Judge Self thinks we owe thanks to our entire legislative delegation. (Time: 2:41 p.m.)

NO ACTION TAKEN

9. AI-33858 RTC monthly update, Commissioner, Precinct 4.

Commissioner Webb gave Court members a copy of the agenda of what was approved at last week's meeting. Of interest was item number 4 which passed unanimously. The City of Plano had a bus route associated with the Shops of Legacy area that did not get funded. As a result of efforts by Commissioners Webb and Williams, they got funding for it. Item number 8 is a unique situation. This is the only region in the state that has money. TxDOT is in need of money. This is a process where Collin County would buy some of TxDOT's loans and pick up the interest from them. That will come forward to the RTC next month. As part of that agreement, TxDOT would zero out all of their engineering services that they have been providing in house that they have been charging our RTR funds with, which could be approximately \$20 to \$30 million. Following discussion, Judge Self said he would like to hear more about this. (Time: 2:49 p.m.)

NO ACTION TAKEN

10. AI-34804 83rd Legislative Agenda for 2013, Commissioners Court.

Judge Self said we'll add the legislative relief for salaries for these vacant judges' seats and he asked Commissioner Shaheen to take our judges' salaries to CUC. Commissioner Jaynes said we'll have three new state legislators. We might want to bring them in to let them go over our agenda and know where things sit with them. (Time: 2:51 p.m.)

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

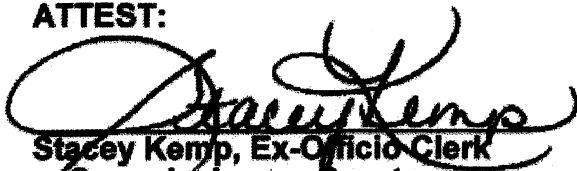
Commissioner Williams wants a briefing on all the different ways we would use the funds that are accumulating in the Housing Finance Corporation. She also wants an update on the status of our new financial software. And in advance of budget, the Commissioner wants a report from the Fire Marshal's office. He's instituted new activities and his fee structure is resulting in additional income. (Time: 2:52 p.m.)

EXECUTIVE SESSION

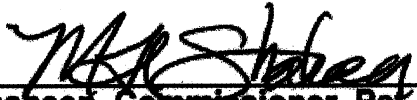
The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:58 p.m.



ATTEST:


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


Keith Self, County Judge


Matt Shaneen, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2

Not Present
Joe Jaynes, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4