

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 17, 2012

On Monday, December 17, 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

Judge Self led the Invocation.
Commissioner Shaheen led the Pledge of Allegiance.
Commissioner Williams 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 2:36 p.m. and adjourned the meeting at 2:36 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:36 p.m. and adjourned the meeting at 2:36 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-36181 Personnel Appointments, Human Resources.
2. AI-36182 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.
2. AI-36061 Budget amendment in the amount of \$3,507 to return the unused portion of matching funds from the FY2012 DWI No-Refusal Grant to the DA Service Fee Fund, Auditor.

2. **Public Comments.** There were no public comments.

3. **Presentation/Recognition.**

Judge Self presented Commissioner Joe Jaynes, Precinct 3, with a crystal plaque in recognition of 16 years of dedicated service to the citizens of Collin County. This will be the last Court for the Commissioner who will be leaving office at the end of this year.

4. **Consent agenda to approve:** Judge Self pulled items 4e6, 4j3 and 4j5 for discussion and asked for any other comments. There being none, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

a. **AI-36179** Disbursements for the period ending December 11, 2012, Auditor.
COURT ORDER NO. 2012-927-12-17

b. **AI-36112** Tax refunds totaling \$240,461.32, Tax Assessor Collector.
COURT ORDER NO. 2012-928-12-17

c. **Advertisement(s):**

1. **AI-36163** Livestock Services (IFB No. 2013-049), Administrative Services.
COURT ORDER NO. 2012-929-12-17

2. **AI-36173** Insurance, Medical Stop Loss (RFP No. 2013-084), Human Resources.
COURT ORDER NO. 2012-930-12-17

d. **Award(s):**

1. **AI-36157** Services, Janitorial (RFP No. 2013-033) to James Janitorial Services, Facilities.
COURT ORDER NO. 2012-931-12-17

2. **AI-36167** Supplies, Janitorial (IFB No. 05263-12) to various vendors, Facilities.
COURT ORDER NO. 2012-932-12-17

e. **Agreement(s):**

1. **AI-36147** Interlocal Agreement with the City of Farmersville for Fire and Arson Task Force and further authorize the County Judge to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-933-12-17

2. **AI-36145** Interlocal Agreement with the City of Lowry Crossing for Fire and Arson Task Force and further authorize the County Judge to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-934-12-17

3. **AI-36146** Interlocal Agreement with the City of Murphy for Fire and Arson Task Force and further authorize the County Judge to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-935-12-17

4. **AI-36144** Interlocal Agreement with the City of Van Alstyne for Fire and Arson Task Force and further authorize the County Judge to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-936-12-17

5. **AI-36161** Interlocal Agreement with the City of Allen for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG36) for the construction of the Cumberland Crossing Phase V Hike and Bike Trail and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-937-12-17

6. **AI-36128** Interlocal Agreement with the City of Celina for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG38) for land acquisition and further authorize the County Judge to finalize and execute same, Special Projects.

Judge Self pulled the item questioning the mutual boundary issue. Celina is a city with which the County has yet to reach an agreement. Commissioner Shaheen suggested holding the item until he and Mr. Kleinheksel could meet with the City. (Time: 1:38 p.m.)

HELD

7. **AI-36131** Interlocal Agreement with the City of Lavon for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG41) for improvements to City Hall Park and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-938-12-17

8. **AI-36130** Interlocal Agreement with the City of Murphy for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG43) for the construction of the Murphy Regional Hike and Bike Trail Connector and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-939-12-17

9. **AI-36162** Interlocal Agreement with LifePath for equal quarterly installment payments of \$189,781.25 (totaling \$759,125 for FY2013) and further authorize the County Judge to finalize and execute same, Budget.

COURT ORDER NO. 2012-940-12-17

f. Amendment(s):

1. **AI-36171** No. 1 to Insurance, Long Term Care (Contract No. 07710-09) with Unum Life Insurance Company of America to extend the contract through and including December 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Human Resources.

COURT ORDER NO. 2012-941-12-17

2. **AI-36149** No. 2 to Interlocal Agreement with the City of Anna for EMS Services, payments to be made in quarterly installments for an annual amount of \$110,445.67 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-942-12-17

3. **AI-36151** No. 2 to Interlocal Agreement with the City of Blue Ridge for EMS Services, payments to be made in quarterly installments for an annual amount of \$14,661.44 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-943-12-17

4. **AI-36153** No. 2 to Interlocal Agreement with the City of Farmersville for EMS Services, payments to be made in quarterly installments for an annual amount of \$42,667.26 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-944-12-17

5. **AI-36150** No. 2 to Interlocal Agreement with the City of Josephine for EMS Services, payments to be made in quarterly installments for an annual amount of \$13,489.11 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-945-12-17

6. **AI-36152** No. 2 to Interlocal Agreement with the City of Melissa for EMS Services, payments to be made in quarterly installments for an annual amount of \$69,008.64 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-946-12-17

7. **AI-36154** No. 2 to Interlocal Agreement with the City of Princeton for EMS Service, payments to be made in quarterly installments for an annual amount of \$92,194.85 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-947-12-17

8. **AI-36148** No. 3 to Interlocal Agreement with the City of Nevada for EMS Services, payments to be made in quarterly installments for an annual amount of \$11,520.74 beginning November 1, 2012 through and including October 31, 2013 and further authorize the Purchasing Agent to finalize and execute same, Fire Marshal.

COURT ORDER NO. 2012-948-12-17

9. **AI-36168** No. 3 to Recycling (AGR No. 09759-09) with the City of Nevada to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-949-12-17

10. **AI-36134** No. 3 to Recycling (AGR No. 05595-09) with the North Texas Municipal Water District to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-950-12-17

11. **AI-36155** No. 6 to Interlocal Agreement for Animal Control and Animal Shelter Services with the City of Nevada to extend the agreement for one (1) year through and including September 30, 2013. Payments will be made in quarterly installments for an annual amount of \$3,075 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2012-951-12-17

12. **AI-36129** No. 8 to Techshare Resource Sharing Addendum Common Integrated Justice System (CIJS) Court Administration System for the FY2013 annual maintenance and further authorize the County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2012-952-12-17

g. Change Order(s):

1. **AI-36159** No. 1 to Striping, Roads and Parking Lots (IFB No. 07236-11) with Walker and Sons Line Striping to extend the contract for one (1) year through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2012-953-12-17

2. **AI-36160** No. 1 to Construction, Bridge, CR 408 over Ticky Creek (IFB No. 01115-12) with Metro-Plex Underground LP to eliminate 636 LF of barb wire fencing and rework barb wire fence across creek sections and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2012-954-12-17

h. Ratification of the County Judge's prior approval:

1. **AI-36210** Orders Prohibiting Outdoor Burning and Certain Fireworks in the unincorporated areas of Collin County for 90 days from the 13th day of December, 2012, Fire Marshal.

COURT ORDER NO. 2012-955-12-17

i. Receive and File, Auditor:

1. **AI-36117** Final Audit Results for the Constable, Precinct 1 (1st & 2nd Quarter FY2012).

COURT ORDER NO. 2012-956-12-17

j. Miscellaneous

1. **AI-36132** Partial road closure (right lanes) of County Roads 132, 134, 135, 138, 176, 177, 178 and 179 on March 10, 2013 to facilitate the Texas High School Cycling League (THSCL) bicycle race, Public Works.

COURT ORDER NO. 2012-957-12-17

2. **AI-36133** Reallocation of funds from the 2007 Transportation Bond program in the amount of \$285,119.24 for the improvement of six (6) mutual boundary roads for the City of Melissa, Public Works.

COURT ORDER NO. 2012-958-12-17

3. **AI-36096** Abandonment of CR 160 located between US 380 and CR 161 (East of FM 1461), Public Works.

Judge Self pulled this item in order for the Court to take an individual vote. A motion was made to approve the abandonment of CR 160. (Time: 1:38 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-959-12-17

4. **AI-36108** Payment to three (3) Animal Shelter employees for compensatory time balances over 100 hours, Human Resources.

COURT ORDER NO. 2012-960-12-17

5. **AI-36109** Reclassification of a part-time Medical Reserve Corps Planner position (Grade 538) to a full-time Medical Reserve Corps Coordinator position (Grade 536) in the Homeland Security department, Human Resources.

Judge Self pulled the item so the Court could hear changes that had been made since it was submitted to the agenda. Jacob Bathman, Homeland Security, came forward. Previously the position required a candidate to be a Registered Nurse (RN) with a Bachelor's Degree; however, because of the part time status and the educational requirements, a qualified candidate could not be found. The request is to re-class the position to full time in a lower pay grade and make it RN preferred instead of required. Judge Self commented that it was his understanding the RN requirement would be eliminated entirely; if they cannot find one at the 538 pay grade, they will not find one at the 536 pay grade. With that change, a motion was made to approve the re-class. Commissioner Shaheen asked for the reason of moving the position from part time to full time. Mr. Bathman replied that approximately 18 months ago the position was re-classed from full time to part time; however, the required duties cannot be completed by a part time employee. A brief discussion followed. (Time: 1:41 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-961-12-17

6. **AI-36183** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-962-12-17

7. **AI-36184** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-963-12-17

GENERAL DISCUSSION

5. **AI-36164** 50/3 application for Bartholow Rental Co. Inc., Budget.

Bill Bilyeu, County Administrator, came forward. This was placed on General Discussion because it is the first 50/3 (fifty percent tax abatement for three years) application received; in the future, the applications will be placed on the consent agenda. A copy of the application was sent to the City of Wylie prior to the deadline for their feedback.

They replied that it was a company they had been recruiting for some time; they are very happy to have them in their city and think that it will be very good. Mr. Bilyeu noted that the company supplies generators for large commercial development such as hospitals and schools. A motion was made to accept the application. (Time: 1:43 p.m.)

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

COURT ORDER NO. 2012-964-12-17

6. AI-36169 50/3 application for Moneygram Payment Systems Inc., Budget.

Mr. Bilyeu remained at the podium to discuss the second application which was received after the deadline. The company is part of the executive offices of Moneygram. According to their application they will have a fairly large staff with large salaries and they have already moved into the space. The person responsible sent a note of apology for missing the deadline. The next course of action will be whether the Court will waive the deadline and accept the application. Commissioner Webb responded that he is not willing to waive the deadline. Commissioner Shaheen agreed saying they had to be consistent. Commissioner Williams asked whether they could accept the application for the following tax year. Mr. Bilyeu replied that the application must be submitted the first year of operation. Commissioner Jaynes asked if the application could be accepted for years two and three only. Mr. Bilyeu replied that is not how the policy was written. Commissioner Shaheen had researched the policy and could not find a way for this to be accepted since it is for a multi-year period. Mr. Bilyeu commented that this company is part of a project with the Governor's office to provide incentives for companies to re-locate to the Frisco area. After additional discussion, the Court did not accept the application. (Time: 1:47 p.m.)

NO ACTION TAKEN

7. AI-36137 Budget amendment in the amount of \$60,518.90 to replace two (2) Patrol Vehicles totaled in separate accidents, Budget.

Mr. Bilyeu remained to give the Court information regarding the amendment. This is a typical process when there is a claim; money is taken from the insurance fund to replace the vehicle. This is typically a consent item; however, it was placed on General Discussion because the Court must approve moving money. Judge Self asked how many Crown Victorias are left. Jon Kleinheksel, Public Works, replied there are 12 total; however, four are out of commission including the two that were totaled. The other two are at the dealership and he is waiting to see if they will be warrantied. If not, those will also be totaled. The county basically has eight Crown Victorias with the interceptor package. In four to eight weeks they will begin to transition to the new SUVs.

Judge Self questioned replacing the totaled vehicles when the county was transitioning to SUVs so quickly. Monika Arris, Budget, came forward saying these vehicles were up for replacement this year. Judge Self suggested replacing the destroyed vehicles with incoming SUVs and keep the remaining Crown Victorias on the road a little longer. Discussion regarding the need to replace the vehicles followed.

Judge Self recommended waiting on the replacement and using the Crown Victorias that are in the fleet. Ms. Arris informed the Court that the two vehicles had already been purchased which is the typical process. Today's agenda item is a formality to move the purchase expense from the insurance fund to the general fund. Commissioner Williams commented that when an item is placed on an agenda, the Court should be able to take an action. Judge Self agreed and added that when a transaction has already taken place, the Court is to be informed. (Time: 1:56 p.m.)

NO ACTION TAKEN

8. AI-36172 Purchase of equipment and services from TR Cabinets for millwork changes to the Mental Health/Probate Counters, County Court at Law Court Reporters Station and Collections area, Construction & Projects.

Bill Burke, Construction and Projects, came forward with information for the Court as to the reason for the request which consisted of three separate items for discussion. The first item concerned a request to extend the depth of the transaction counters in the County Clerk's Probate and Mental Commitment offices. Mr. Burke displayed pictures for the court showing the current depth of the counters which is four inches. There is a request to extend the depth by another eight inches. Mr. Burke informed the Court that the County Clerk was present should they have any questions on the request. Judge Self commented there are other counters that are this size and asked how many counters will have to be done once this process is begun. Mr. Burke replied there are between 20 and 30 other transaction counters in the courthouse most of which are grouped in three of the larger departments: District Clerk, County Clerk and CSCD (Community Services and Corrections).

Commissioner Webb responded to the comments saying he brought up this issue when he first took office and told Mr. Burke that the four inch depth would not work. He informed the Court that as an attorney, it is impossible to conduct business with the depth of the current counters. Checks and documents have to be signed and usually while in front of the clerks. Most attorneys do not pre-fill their checks, because they do not always know what the exact fees will be. This is a major issue for the attorneys doing daily business in the courthouse. Judge Self asked about the cost of extending all of the counters in the courthouse. Mr. Burke replied that in his estimation approximately \$25,000 for the additional 25 counters. When factoring in the requested changes it would come to approximately \$33,000.

Stacey Kemp, County Clerk, came forward. Ms. Kemp pointed out that in other areas of the courthouse where these transaction counters are located, customers have additional workspace where they can complete and sign documents. In the areas in question, there is not enough space to have another counter for the customers to use. Commissioner Williams agreed with Commissioner Webb that from a customer service standpoint, this is not working. Commissioner Shaheen disagreed with extending the counters and suggested a narrow table instead. Judge Self agreed and suggested using a narrow table with chairs on the opposite wall and asked if that would be a solution. Ms. Kemp replied that she would take a look and see whether that would work then come back to the Court. Commissioner Webb noted that just this morning he was in the Probate Clerk's office and had to sign his documents on the floor because there was not enough space on the counter. Ms. Kemp then informed the Court that this very issue was brought up before the counters were ever installed. She met with Mr. Burke and the Construction and Project staff saying that there had to be more room on the transaction counters; however, the shorter counter is what was installed. Commissioner Shaheen reiterated the suggestion of trying a narrow table and if that does not work, they can re-visit the issue. A brief discussion followed regarding a solution other than rebuilding the counters. (Time: 2:10 p.m.)

The next item for discussion regarded changes to the workspaces for the County Court at Law court reporters. Mr. Burke explained that when the courthouse was built eight years ago, these were District Courtrooms. The District Judges requested the modifications of removing counters so that the court reporters could sit closer to the banister. Now that these are County Court at Law courtrooms, four of the court reporters are asking for a counter to be installed. Commissioner Williams was not in favor of redesigning the workspaces as it is a customization for the current staff. Commissioner Webb agreed. Commissioner Shaheen replied that the issue is that the file cabinets are in the way. Only four of the six courts are requesting this change. Commissioner Webb was not willing to make changes every time employees change. After a brief discussion on the requested changes, Judge Self directed Mr. Burke to price out removing just the drawer sets without adding counters. (Time: 2:17 p.m.)

The third item for discussion regarded a coffee bar in the Court Collections and Indigent Defense department. Mr. Burke took responsibility for this not being installed during the initial build and informed the Court that it was on the original plans. It was left out during the building process. All other departments without exception have a coffee bar. Mr. Burke also informed the Court that the quote presented to them today was for millwork only. The project will also require plumbing; he is waiting on another quote for the project.

Commissioner Williams viewed this request a little differently than the previous one as this is a common addition in all of the other offices; she is comfortable with the approval of the coffee bar. Cost of the plumbing was discussed.

Commissioner Webb agreed with Commissioner Williams that the intent is not for this department not to have a coffee bar. It is not fair to ask those staff to have to go to the bathroom to fill up a coffee pot when no one else in the courthouse has to. After an additional brief discussion, a motion was made to approve the millwork for the coffee bar at \$3,692. (Time: 2:22 p.m.)

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

COURT ORDER NO. 2012-965-12-17

After the vote, Mr. Burke asked for clarification on the Court's direction for the other items. Judge Self replied that he is to come back to the Court with pricing for the tables in the County Clerk's Probate and Mental Commitment offices and for the base cabinets in the court reporters workspace; whether taking them all out or leaving them all there. They all have to be the same.

Commissioner Web asked if there is a policy in place that prohibits people changing workspaces without approval and what are the sanctions if changes are made. Mr. Bilyeu came forward in response. The county has a work order process. All departments are trained for that process and facilities receives thousands of work orders each year. A brief discussion followed. (Time: 2:26 p.m.)

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

Commissioner Webb gave the update. A packet of discussion items was shared with each Court member. Prior to the meeting, a work session took place regarding the proposed managed lane policy. Per the adopted policy, High Occupancy Vehicle (HOV) lanes will remain two plus free even when managed lanes are opened which are three plus.

As they finish completion of the managed lanes, there will be a transition period where the HOV lanes will become Single Occupant Vehicle (SOV) lanes which are paying lanes. In the final configuration, managed lanes will be three plus; HOV lanes will remain two plus and as technology allows SOVs will be allowed to use the lanes for a fee. To further clarify, Commissioner Webb explained that there is always a fee for managed lanes; however, when the vehicle has three or more occupants, there will be a 50% discount. Technology to monitor occupants exists and the first is scheduled to be implemented here in less than two years. There are currently discussions regarding what it would cost to have the technology on Central Expressway. A brief discussion followed. (Time: 2:33 p.m.)

10. AI-35285 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Bill Bilyeu, County Administrator, came forward to update the court on the Medicaid 1115 Waiver. Region 18 plans will go in this week including Pass 2. Mr. Bilyeu shared new information from the state that if a project is removed it must be replaced with another of equal value. At first, there were \$7.1 billion in Pass 1 funds; as of the last meeting that total was \$5.56 billion. The \$2 billion shortage will roll to Pass 2. At this point, two thirds of the funds have been claimed. RHP 18 plans have been reviewed and no real issues were found; however, there were some comments received regarding the expansion of some projects. It has now been finalized and submitted. Pass 2 has not been submitted yet, but there has been good communication so there should not be an issue. (Time: 2:36 p.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed the meeting into Executive Session at 2:36 p.m., in accordance with Chapter 551 of the Government Code, to discuss the following subjects:

Economic Development Negotiations (551.087)

AI-36195 Discussion and direction on a Tax Abatement with or without the City of Plano for Zone 133, Budget.

NO ACTION TAKEN

Judge Self reconvened the meeting at 2:48 p.m. There being no further business of the Court, Judge Self adjourned the meeting at 2:48 p.m.



Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

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