

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
JANUARY 7, 2013

COUNTY OF COLLIN

On Monday, January 7, 2013, 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 Chris Hill, Precinct 3

Commissioner Duncan Webb, Precinct 4

Commissioner Shaheen led the Invocation.

Commissioner Williams led the Pledge of Allegiance.

Commissioner Hill 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 2:16 p.m. and adjourned the meeting at 2:19 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-36246 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

Judge Self began by explaining to the Court that some of the items on this list date back to January of 2012. Because of this, he asked to run down the list of outstanding agenda items and receive an update on the status of each. Jeff May, County Auditor, stated he would bring the status of the electronic fund transfer back to court at the end of January and the cash handling policy to court by the first of February. Bill Bilyeu, County Administrator, informed the Court the audit of the Tax Assessor Collector is currently being worked on as part of the budget process.

Kelley Stone, Homeland Security, stated the review of the success of the Security Floor Warden training should be done by the end of February 2013 or the beginning of March. Jon Kleinheksel, Public Works, noted the vehicle repairs and policies should be finished by the last court in January. Judge Self asked for clarification on the description and use of bond funds. Commissioner Webb said this item referred to his previous request to know the balances in the various bond accounts. Mr. Bilyeu stated he could put this item on the agenda for the next meeting.

Judge Self noted the Estray RFP item is out, and the development of the FY2014 budget is currently being worked on. He then requested Mr. Bilyeu to add the outstanding grant metrics to the next court discussion. The Interlocal Agreement with Celina has been settled and the item relating to furniture for the Probate/Mental hallways will be given more time.

Commissioner Shaheen asked Mr. May about the electronic fund transfer and whether this will include electronic invoicing. Mr. May stated that this is a separate issue and will be tackled after the implementation of the new financial system which is dated to start April 1, 2013. (Time: 1:42 p.m.)

2. Change Order(s):

a. **AI-36199** No. 1 to Construction, IT Vault (IFB No. 07333-12) with Covenant Design and Construction, LLC to add Pricing Change Order No. 1 to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

b. **AI-36200** No. 3 to Construction, Myers Park Amphitheater and Toilets (IFB No. 09298-11) with Schmoldt Construction, Inc. 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.

Judge Self reminded the Court about a previous discussion regarding more visibility on change orders that occurred in an earlier court. Judge Self asked Bill Burke, Construction and Projects, for more clarification. Mr. Burke explained that a generalized statement was made regarding the number of change orders. In the earlier conversation, it was briefly discussed that it might be a good idea for a member of the Court to review the change orders before they were brought to Court for approval. At the time, Commissioner Webb had informally seconded this idea. The current policy that exists regarding change orders is that Bill Bilyeu, County Administrator, has the authority to sign change orders up to \$50,000. Mr. Bilyeu stated any change order considered to be controversial is brought to the Court for approval. Judge Self stated the Court will leave the review process as it is. (Time: 1:45 p.m.)

c. **AI-36201** No. 4 to Construction, Myers Park Amphitheater and Toilets (IFB No. 09298-11) with Schmoldt Construction, Inc. 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.

3. **AI-36253** Acknowledgment for assignment of Tax Abatement Agreement from KDC Legacy North Investments I, LP to Cole of Plano (Legacy) TX, LLC, Administrative Services.

4. **AI-36254** Notice of Extension of Review Period for the Real Estate Purchase Agreement for the UDCF Building, Administrative Services.

5. **AI-36223** Recoupment of Court Appointed Attorney's Fees, County Judge.

6. **AI-36177** Budget amendment in the amount of \$15,000 to establish the budget for the 2013 IRS Task Force Grant, Auditor.

2. Public Comments.

Paul Tucker, owner of Hidden Acres RV Park in Lake Lavon, approached the Court and asked for their help in regards to a friend and resident of his RV park. The man Mr. Tucker spoke of has been disabled from a construction accident that occurred 24 years ago when a cement wall fell six stories and crushed the man's neck and back. Mr. Tucker stated that because of his friend's condition, he is barely scraping by in terms of money, making roughly \$970 a month.

During the summer of 2012, Mr. Tucker's friend was caught driving with an expired inspection sticker and forgot to pay the fine. This resulted in a warrant for the man's arrest. His friend called the Sheriff's office to ask about the cost of the fine. He was told the fine was \$600, money he did not have, or he was given the option of sitting the fine out in jail for three days. Mr. Tucker's friend chose to sit in jail and was under the impression that he would be allowed access to his prescription pain medication that he has taken every day since the accident. Mr. Tucker told the Court that while serving his three day stay, his friend was denied his medication up until the night before his release. Mr. Tucker stated that he could not understand why someone would have been denied medication, especially under the circumstances given. Judge Self stated that the Court would contact the proper authorities with this matter. (Time: 1:35 p.m.)

3. Presentation/Recognition.

There were no presentations/recognitions.

4. Consent agenda to approve: Judge Self pulled FYI notification #1, change orders 2b and 2c, 4e1, and 4i4 and asked for any additional comments on the consent agenda. Commissioner Webb pulled the following four disbursements: the disbursement to Schindler Elevator, the disbursement to Turner Construction, a procurement card disbursement relating to Wal-Mart, and a procurement card disbursement to Car Toys. Mr. Bilyeu stated the County Clerk wished to delete item 4h1, the minutes from December 3, 2012, as these would be brought back at a later date. There being no further comments, a motion was made to approve the remainder of the consent agenda to include all remaining disbursements not pulled by Commissioner Webb. (Time: 1:38 p.m.)

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

a. AI-36202 Disbursements for the period ending December 31, 2012, Auditor.

Commissioner Webb questioned the purchase of three Wal-Mart gift cards using a county procurement card in the amount of \$2,500. Jeff May, County Auditor, replied the purchase was part of the juvenile drug court program to be used as incentives. An auditor has been assigned to account for the cards and audit internal controls. Pam DeVault, Court Administrator, informed the Court that it has become a growing trend in other drug court programs to use incentives. Commissioner Shaheen requested Ms. DeVault bring more information about these incentive programs to court at a later date. Monika Arris, Budget, came forward to inform the Court that the gift cards were purchased with fees collected by the drug court program, and not with tax payer dollars.

Commissioner Hill questioned the frequency of gift cards being purchased and held in inventory, to which Mr. May responded this is the first time. Commissioner Webb requested putting a policy in place to handle the acquisition of cash on gift cards being held in inventory. Mr. May offered to include this item in the cash handling policy. With no further comments, a motion was made to approve the disbursement. (Time: 1:58 p.m.)

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

Commissioner Webb questioned a disbursement of \$80 to Car Toys for the installation of a breathalyzer. He was concerned because the dollar amount included sales tax, and was curious as to why the county was paying sales tax on this expenditure. Mr. May told said the purchase was made by an employee using a County procurement card. Car Toys insisted on charging sales tax. Michalyn Rains, Purchasing, told the Court the county will receive a credit on the next statement.

Commissioner Williams asked what department the vehicle belonged to, and Ms. Rains replied the vehicle belongs to one of the drug courts. With no further comments a motion was made to approve the disbursement. (Time: 2:00 p.m.)

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

COURT ORDER NO. 2013-001-01-07

A motion was made to approve the disbursement to Schindler Elevator. Commissioner Webb did not participate in the vote. (Time: 1:45 p.m.)

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

COURT ORDER NO. 2013-002-01-07

Commissioner Webb noted the disbursement to Turner Construction was composed of two payments, one for \$127,311.69 and the other for \$220,000. The \$220,000 is a payment held on retainer. Commissioner Webb stated he cannot support the payment of the retainer money because Turner Construction is not proceeding with the punch out lists in a timely manner. He wishes to keep the retainer money until the Court sees that Turner Construction is making progress. Regarding the \$127,311.69, Commissioner Webb feels Turner Construction is owed this money for the work they have done and is willing to authorize this payment. Commissioner Shaheen wanted to ensure the contract allowed for the withholding of payment. Bill Burke, Construction & Projects, stated there should be no issue with withholding payment.

Turner Construction has been contacted about the deficiencies with the progression of work done; Commissioner Shaheen asked if there has been a response. Mr. Burke stated the first response date is January 10, 2013, when Turner Construction will provide the Court with a schedule. The second response date is January 20, 2013, and will mark the time when Turner Construction will start performing again. Turner will have sixty days to perform; two weeks after the sixty day period Turner Construction will provide the county with a list of items on order. This will allow the county to see what items Turner may be having issues with, as well as what items they are responding to or not responding to.

With no further comments, Commissioner Webb made a motion to approve payment in the amount of \$127,311.69 to Turner Construction. (Time: 1:51 p.m.)

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

COURT ORDER NO. 2013-003-01-07

b. **AI-36213** Tax refunds totaling \$194,831.36

COURT ORDER NO. 2013-004-01-07

c. **Advertisement(s):**

1. **AI-36214** Construction, Bridge: County Road 601 over Tom Bean Creek (IFB No. 2013-053), Special Projects.

COURT ORDER NO. 2013-005-01-07

d. **Agreement(s):**

1. **AI-36209** Lease Agreement with the City of Frisco for property located at 6101 Frisco Square Blvd., Suite 2000, Frisco Texas, commencing on January 1, 2013 through and including December 31, 2013 and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2013-006-01-07

2. **AI-36220** Interlocal Agreement with the City of Farmersville for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG39) for the construction of Chaparral Trail and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2013-007-01-07

3. **AI-36204** Interlocal Agreement with the Town of Prosper for funding through the 3rd Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG45) for the construction of the Pecan Grove Park Trail Connection and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2013-008-01-07

4. **AI-36194** Supplemental Agreement No. 2 to the Interlocal Agreement with the City of Dallas to amend the Internet Crimes Against Children grant to add an amount NTE \$9,500 (from \$17,500 to \$27,000) and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2013-009-01-07

e. Amendment(s):

1. **AI-36225** No. 2 to Services, IT: Implementation of HR Help Desk, Peoplesoft (RFP No. 06217-11) with Apex IT to provide various changes to the contract, budget amendment in the amount of \$42,600 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

Judge Self asked for an explanation on the discrepancy in the budget adjustment. Monika Arris, Budget, came forward saying there was a transposition of the numbers; the correct amount is \$46,200. Judge Self asked Caren Skipworth, IT, and Michalyn Rains, Purchasing, to fix the language "we will provide a timely review in less than five days" and "issues will be resolved in an expediate manner" in the contract. He asked that the language be more direct. Ms. Rains ensured they would go back and clean up the wording. Commissioner Webb wanted to know why this item was not included in the original scope of the project if it is so important now. Ms. Skipworth replied that at the time security was configured in PeopleSoft, additional modules were not being added. It was not until Apex began to install new modules that it became apparent the security was not configured properly. With no further comments, a motion was for approval was made. (Time: 2:04 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Matt Shaheen
Vote: 5 – 0 Passed

COURT ORDER NO. 2013-010-01-07

2. **AI-36207** No. 5 to the Interlocal Agreement with the City of Lucas for Animal Control Services to set the rate and extend the agreement for one (1) year through and including September 30, 2013. Payment will be made in quarterly installments for an annual amount of \$19,030, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-011-01-07

3. **AI-36206** No. 5 to the Interlocal Agreement with the City of Lucas for Facility Construction and use of the Animal Shelter to set the rate for FY2013, payments to be made in quarterly installments for an annual amount of \$14,570 effective October 1, 2012 through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-012-01-07

4. **AI-36224** No. 6 to the Interlocal Agreement with the City of Farmersville for Facility Construction and use of the Animal Shelter to set the rate for FY2013, payments to be made in quarterly installments for an annual amount of \$9,586 effective October 1, 2012 through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-013-01-07

5. **AI-36186** No. 6 to the Interlocal Agreement with the City of Frisco for the Facility Construction and use of the Animal Shelter to set the rate for FY2013, payments to be made in quarterly installments for an annual amount of \$306,307 effective October 1, 2012 through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-014-01-07

6. **AI-36188** No. 6 to the Interlocal Agreement with the City of Princeton for Animal Control Services to set the rate and extend the agreement for one (1) year through and including September 30, 2013. Payment will be made in quarterly installments for an annual amount of \$26,420, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-015-01-07

7. **AI-36187** No. 6 to the Interlocal Agreement with the City of Princeton for the Facility Construction and use of the Animal Shelter to set the rate for FY2013, payments to be made in quarterly installments for an annual amount of \$18,313 effective October 1, 2012 through and including September 30, 2013 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-016-01-07

8. **AI-36211** No. 6 to the Interlocal Agreement with the Town of Prosper for Animal Control Services to set the rate and extend the agreement for one (1) year through and including September 30, 2013. Payment will be made in quarterly installments for an annual amount of \$38,598, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2013-017-01-07

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

1. **AI-36190** Equitable Sharing Agreement and Certification between the Department of Justice and the Collin County District Attorney, Auditor.

COURT ORDER NO. 2013-018-01-07

2. **AI-36189** Equitable Sharing Agreement and Certification between the Department of Justice and the Collin County Sheriff's Office, Auditor.

COURT ORDER NO. 2013-019-01-07

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

1. **AI-36191** \$3,037 to purchase one (1) color printer and two (2) black and white printers, Justice of the Peace, Precinct 1.

COURT ORDER NO. 2013-020-01-07

2. **AI-36193** \$16,841,735 for the encumbrance rollover from FY2012 to FY2013, Auditor.

COURT ORDER NO. 2013-021-01-07

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

1. **AI-36197** December 3, 2012.

PULLED

2. **AI-36239** December 10, 2012.

COURT ORDER NO. 2013-022-01-07

i. Miscellaneous

1. **AI-36215** Sale of Struck Off Property located at 112 E. Oak Street, Block 43, Lot 1, 2B of the Celina Original Donation Addition to the Town of Celina, Texas as recorded in the Collin County Deed Records (R-1023-043-0010-1) to Cecil E. Cross and John Bennett and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2013-023-01-07

2. **AI-36250** Sale of Struck Off Property located in Settlers Creek #4 Addition, Lowry Crossing, Texas as described in the Warranty Deed of the Collin County Land Records (Lot 9, Block A, Settlers Creek #4 Addition, Volume 4306, Page 3103, Account No. : R-194100100901) to David Toler in the amount of \$5,000 and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2013-024-01-07

3. **AI-36208** FY2013 Emergency Management Performance Grant (EMPG) application with the US Department of Homeland Security through the State of Texas Department of Public Safety, Texas Division of Emergency Management, further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2013-025-01-07

4. **AI-36175** Acceptance of a rebate check in the amount of \$12,822.99 for participating in The Local Government Purchasing Cooperative and BuyBoard Program and budget amendment for same, Purchasing.

Judge Self questioned the dollar amount of the rebate check stating it is almost three times more than checks received in the past.

Bill Bilyeu, County Administrator, stated the growth of participants in the Local Government Purchasing Cooperative program resulted in the larger rebate check. Programs such as GEM (Going the Extra Mile) and Pounds are funded by these rebate checks as well concession payments from vending machines. Currently there are 462 GEM awards that are available to be awarded this year; however, it is unlikely that the full amount of awards will be given out. Historically, department heads do not give out all of the awards allocated to them in a given year. Any unused awards will rollover into the next year.

Judge Self questioned if there were enough funds available to cover the GEM awards and the Pounds program. Mr. Bilyeu said there were not enough funds to cover all 462 awards; however it is unlikely that all awards will be given. Monika Arris, Budget, explained that there are still checks coming into the account so there should be enough to fund the GEM and Pounds programs. If there is a shortage, the Pounds program will be delayed. After a brief discussion, a motion was made to approve the acceptance of the rebate check. (Time: 2:09 p.m.)

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

COURT ORDER NO. 2013-026-01-07

5. **AI-36218** Deposit the net proceeds totaling \$12,630.97 from the Collin County On-Line Auction held on November 27, 2012 per Local Government Code 263.156, Purchasing.

COURT ORDER NO. 2013-027-01-07

6. **AI-36244** Personnel Appointments, Human Resources.

COURT ORDER NO. 2013-028-01-07

7. **AI-36245** Personnel Changes, Human Resources.

COURT ORDER NO. 2013-029-01-07

GENERAL DISCUSSION

5. Board/Committee Appointments, Commissioners Court:

a. AI-36219 Farmersville TIRZ.

Bill Bilyeu, County Administrator, noted the vacancy on the Farmersville TIRZ committee after Commissioner Joe Janyes' term ended in 2012. The Mayor of Farmersville sent an email to Mr. Bilyeu asking him to bring this issue to the Court to have the position filled.

A motion was made to appoint Commissioner Chris Hill to fill the position.
(Time: 2:10 p.m.)

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

COURT ORDER NO. 2013-030-01-07

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

Bill Bilyeu, County Administrator, gave an update on the Medicaid 1115 Waiver. He addressed Judge Self's concern with a ghost number on page 656 of the packet. No one is sure where the number came from, but Mr. Bilyeu stated that the Public Information Associates team is researching this. Concerned with the ghost number, Judge Self asked if we had committed to this number in our submission to the state. Mr. Bilyeu assured the numbers were matching when he had reviewed the submission. The number might have appeared when the Public Information Team put together the packet to answer questions posed by the Court.

The DSRIP (Delivery System Reform Incentive Payment) project agreement for the adult clinic totals \$384,000 and covers the four year cycle. On top of this, there are two UC (Uncompensated Care) payments that our RHP (Regional Health Partnership) is participating in. One is an existing payment we have with Tenet for \$480,000 a year, and the other is to THR (Texas Health Resources) who is taking care of our Primacare payments. Everything is submitted and the Court should have feedback on the proposal by January 15, 2013. (Time: 2:13 p.m.)

NO ACTION

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

NO ACTION

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

There were several future agenda items Judge Self requested to add to future agendas. These include changing the formulary for the Jail Health contract to match the state formulary, reviewing the Healthcare Foundation by-laws and creating a list of uses for the Housing Finance Corporation funds. Judge Self requested information from Sheriff Terry Box about any impact on the overtime refusal that pertained to the Dallas County Auto Burglary Task Force. He also requested adding the peer review for Turner Construction and the gift cards held in inventory.

Commissioner Webb requested a monthly report on employee terminations and the reasons for them. This would include only those employees who leave on their own accord. Commissioner Williams asked to add the Purchasing Board member, as well as creating a list of any board that Commissioner Jaynes served on. Commissioner Shaheen requested adding an appointment to the CPS Board (Time: 2:16 p.m.)

EXECUTIVE SESSION

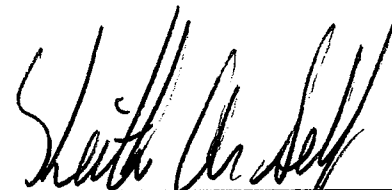
The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:16 p.m.



ATTEST:



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



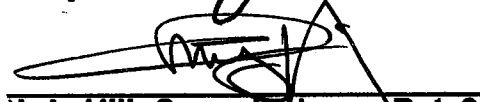
Keith Self, County Judge



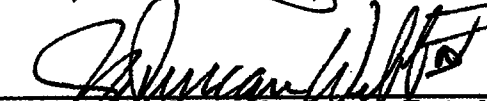
Matt Shaheen, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4