

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES

COUNTY OF COLLIN

JUNE 10, 2013

On Monday, June 10, 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 3:09 p.m. and adjourned the meeting at 3:09 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 3:10 p.m. and adjourned the meeting at 3:10 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-36816 Donation of \$3,000 to Hope's Door utilizing the District Attorney forfeiture fund, District Attorney.

FYI NOTIFICATION

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

2. AI-36861 I-35 Corridor Segment 1 Committee Project Recommendation Update, County Judge.

2. Public Comments.

Jack Dixon, Prosper, expressed his support for the CoServ grant. Tasers would allow the Constables and Deputies to restrain an individual without having to pull out a weapon. Mr. Dixon feels the Court should approve the CoServ grant application as well as fund all tools needed for the Constables to do their job properly and safely.

Diane Dixon, Prosper, expressed her support for the CoServ grant. She feels accepting the grant would help bring money into the county because it would allow the constables to collect on warrants.

Commissioner Shaheen read a letter written by Ken Weaver, Prosper, which states Mr. Weaver's support for the CoServ grant. Mr. Weaver feels the Court underfunds and denies the Constable's Office of necessary manpower, assets, and the technology needed to complete their job. (Time: 2:05 p.m.)

3. Presentation/Recognition:

a. AI-36809 Children's Medical Center 100th Anniversary.

Vanessa Walls, Vice President of Ambulatory Services and Legacy Administrator, was present to accept a proclamation signed by Commissioners' Court celebrating the first 100 years of Children's Medical Center. (Time: 1:37 p.m.)

b. AI-36769 Introduction of new staff member Christine Williams, Texas AgriLife Extension Service.

Carrie Brazeal, Texas A&M AgriLife Extension Service, introduced new staff member, Christine Williams, who joined the Texas AgriLife Extension Service Team in June. (Time: 1:37 p.m.)

c. Service Pins, Human Resources.

Constable Sammy Knapp presented Deputy Kay Yoder her 20 year service pin. (Time: 1:38 p.m.)

4. Consent agenda to approve: Judge Self deleted items 4d1 and 4d3 and pulled item 4g4. Commissioner Hill pulled item 4g5 and Commissioner Webb pulled items 4b3, 4c1, 4c3, and 4g3. With no further comments a motion was made to approve the remainder of the consent agenda. (Time: 1:39 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Chris Hill

Vote: 5 – 0 Passed

a. **AI-36838** Disbursements for the period ending June 4, 2013, Auditor.

COURT ORDER NO. 2013-392-06-10

b. Advertisement(s):

1. **AI-36631** Professional Services, Architect for Small County Projects (RFQ No. 2013-187), Construction & Projects.

COURT ORDER NO. 2013-393-06-10

2. **AI-36815** Filters: Heating, Ventilation & Air Conditioning (HVAC) (IFB No. 2013-190), Facilities.

COURT ORDER NO. 2013-394-06-10

3. **AI-36831** Services: Psychological Evaluations, Juveniles (RFP No. 2013-200), Juvenile Probation.

Commissioner Webb expressed concerns that the figure of \$1 million for malpractice insurance seems much too low. Cynthia Jacobson, Human Resources, came forward and stated after the risk assessment she feels the insurance needs to be between \$3 and \$5 million dollars because the services are being provided to juveniles. A motion was made to approve the item with the amount of \$3 million instead of \$1 million. (Time: 1:40 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2013-395-06-10

4. **AI-36762** Construction, Bridge: County Road 132 over Long Branch (IFB No. 2013-125), Special Projects.

A motion was made to approve this item without discussion. (Time: 1:40 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2013-396-06-10

c. Award(s):

1. **AI-36807** Supplies: Specialized Printing for Elections (IFB No. 2013-118) to various vendors, Elections.

Commissioner Webb questioned why the bid was awarded to the company with the highest cost.

Michalyn Rains, Purchasing, came forward and stated one of the bids had a typo and the difference in price between the lowest bid and the winning bid is not as far off as the typo would suggest. Sharon Rowe, Elections, came forward and stated the vendor who was awarded the bid has the lowest cost overall when looking at the full mass mail out and not just the cost of mailing. A motion was made to approve the item. (Time: 1:44 p.m.)

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

COURT ORDER NO. 2013-397-06-10

2. AI-36840 Construction, Collin County Walking Trail, Pedestrian Bridge Placement (IFB No. 2013-094) to Phillips/May Corporation, budget amendment in the amount of \$92,636 and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

COURT ORDER NO. 2013-398-06-10

3. AI-36799 Consulting Services, Energy Management Integration (RFP No. 2013-112), Facilities.

Commissioner Webb questioned why the vendor with the lowest cost was not chosen for the bid. Dan James, Facilities, stated the company with the lowest bid did not meet all the specifications, specifically the graphics provided by the vendor. Mr. James stated if the lowest bidder was selected there would be two different systems in the same building and this would not look right. Further, it would be difficult to integrate two different systems within the same building. Michalyn Rains, Purchasing, came forward and stated she was not aware that the lowest bidder did not meet the graphics specifications until after the bids had been completed. After a brief discussion a motion was made to approve the item. (Time: 1:54 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2013-399-06-10

d. Amendment(s):

1. AI-36794 First Amendment to the Interlocal Cooperation Agreement with Denton County for the Design Schematic and Environmental Assessment for US 380 from the Denton/Collin County Line to West of FM 423 in Denton County, approve the reimbursement of \$293,739.07 to Denton County and further authorize the County Judge to finalize and execute same, Engineering.

PULLED

2. **AI-36761** No. 2 to Services: Janitorial (RFP No. 2013-033) with James Janitorial Services, LLC. to extend the contract for one (1) year through and including September 30, 2014, further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2013-400-06-10

3. **AI-36774** No. 9 to Techshare Resource Sharing Addendum for Common Integrated Justice System (CIJS) and Tyler Technologies End User Agreement and Professional Services Agreement in association with the E-Citation project and further authorize the County Judge to finalize and execute same, Information Technology.

HELD

e. Change Order(s):

1. **AI-36753** No. 1 to Central Plant Optimization (Contract No. 04223-12) with TD Industries, Inc. to provide various changes to the contract, budget amendment in the amount of \$11,241 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2013-401-06-10

2. **AI-36801** No. 3 to Services, Maintenance, Electrical Contractor (IFB No. 03200-10) with Boyd Electric, Ltd. to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2013-402-06-10

3. **AI-36802** No. 4 to Supplies, Electrical, Parts and Materials (IFB No. 04559-09) with C&W Electric Supply to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2013-403-06-10

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

1. **AI-36819** May 20, 2013.

COURT ORDER NO. 2013-404-06-10

g. Miscellaneous

1. **AI-36826** Amend the list for the 2013 tax exemptions for historical structures and/or landmarks to include additional properties, Administrative Services.

COURT ORDER NO. 2013-405-06-10

2. AI-36865 Acknowledgment of the issuance of the Tarrant County Cultural Education Facilities Finance Corporation Bonds for constructing and equipping improvements at Methodist Richardson Medical Center and Methodist Richardson Medical Center Bush/Renner and further authorize the County Judge to finalize and execute associated documents, Administrative Services.

COURT ORDER NO. 2013-406-06-10

3. AI-36768 Application for the Texas 1033 Surplus Property Program for Constables 1, 2, 3, and 4 and further authorize the County Judge to finalize and execute same, Constable, Precinct 4.

Commissioner Webb gave comments regarding the language in the court order. There was never an agreement to include ammunition as surplus property available to the Constables in the May 20, 2013, discussion. He took the proposed court order and rewrote it to mirror the language discussed on May 20, 2013. Commissioner Hill proposed accepting ammunition into the allowable property if the ammunition matched the weapons currently used by the Constables. Commissioner Webb stated he is okay with adding ammunition to the court order, but his issue was with approving a court order that had not mirrored the previous discussion. A motion was made to include ammunition into the language proposed by Commissioner Webb. (Time: 1:59 p.m.)

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

COURT ORDER NO. 2013-407-06-10

4. AI-36837 Grant application for the CoServ Charitable Foundation Grant in the amount of \$28,475 to purchase conducted energy devices (CEDs), also known as TASERs for Collin County and further authorize the County Judge to finalize and execute same, Constables.

Constable Sammy Knapp, Precinct 4, came forward to ask for the Court's permission to apply for the CoServ grant. This grant would fund monies for 21 tasers to be used by Constables and Deputies. Constable Knapp feels tasers are a useful tool and would appreciate the Court's consideration in looking at the application.

Commissioner Webb asked if the grant included a four-year warranty and questioned where the additional funds for training would come from. Teresa Moore, Budget, came forward and stated the four-year warranty is included in the grant. Constable Knapp stated there are several agencies willing to help with training and there is one individual in particular who can become a certified instructor. Replacement cartridges can be purchased using the Constable's Miscellaneous Funds.

Commissioner Webb questioned if the grant application would impact the office's budget request submission and asked if it is possible to apply for a grant and submit a budget request at the same time. Ms. Moore stated this item would be removed from the budget if the grant is approved. A motion was made to approve this item. (Time: 2:09 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Judge Keith Self

Vote: 5 – 0 Passed

COURT ORDER NO. 2013-408-06-10

5. AI-36821 Reallocate Transportation Bond Funds from the City of McKinney's Bond Project No. 07-043, Custer Road from SH 121 to Stonebridge, to facilitate Collin County/McKinney mutual boundary road improvements, Public Works.

Commissioner Hill asked how the Custer Road Project would remain on schedule if funds were being pulled to use on other mutual road projects. Tracy Homfeld, Engineering, came forward and stated Custer Road was funded with TxDOT (Texas Department of Transportation) pass through dollars and RTR (Regional Toll Revenues) dollars and therefore is fully funded. The project no longer needs bond funds. There are plenty of bond funds to reallocate to other mutual boundary roads. Frisco will manage the project south of Stonebridge. A motion was made to approve the item. (Time: 2:10 p.m.)

Motion by: Commissioner Chris Hill

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

COURT ORDER NO. 2013-409-06-10

6. Sale of Struck Off Property and further authorize the County Judge to finalize and execute the Special Warranty Deed, County Judge:

a. AI-36847 300 Pearson Avenue, McKinney, Texas to Earl Holloway in the amount of \$13,000.

COURT ORDER NO. 2013-410-06-10

b. AI-36848 802 East Anthony Street, McKinney, Texas to Earl Holloway in the amount of \$11,400.

COURT ORDER NO. 2013-411-06-10

c. AI-36849 .146 acres located in the Mary Standifer Survey, McKinney, Texas to the North Collin County Habitat for Humanity in the amount of \$9,000.

COURT ORDER NO. 2013-412-06-10

d. **AI-36850** Lots 13 and 14 located in the Underwood Addition, McKinney, Texas to Safari Development, LLC in the amount of \$2,390.

COURT ORDER NO. 2013-413-06-10

e. **AI-36851** Lot 885 in the McKinney Outlots Addition, McKinney, Texas to Safari Development, LLC in the amount of \$1,706.

COURT ORDER NO. 2013-414-06-10

7. **AI-36857** Personnel Appointments, Human Resources.

COURT ORDER NO. 2013-415-06-10

8. **AI-36858** Personnel Changes, Human Resources.

COURT ORDER NO. 2013-416-06-10

GENERAL DISCUSSION

5. **AI-36784** Inter-Local Cooperation Agreement with the Town of Prosper for 50% participation in the Tax Increment Financing Reinvestment Zone Number Two for 25 years (2014 to 2039) and further authorize the County Judge to finalize and execute same, Budget.

Mayor Ray Smith, Prosper, introduced Jack Matthews from Matthews Southwest. Mr. Matthews came forward and stated he has been looking at this land for some time now and is looking forward to working with Prosper.

Judge Self asked for the language regarding the public hearing to be deleted from the agreement as the county has not conducted a public hearing and does not require one. A motion was made to approve the item with the deletion of the paragraph requested by Judge Self. (Time: 2:14 p.m.)

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

COURT ORDER NO. 2013-417-06-10

6. **AI-36720** Adoption of an Ordinance to require licensing of all automotive wrecking and salvage yards and junkyards operating after June 1, 1987, which will repeal and rescind prior approved Court Orders regulating automotive wrecking and salvage yards and junkyards, Development Services.

Misty Brown, Development Services, came forward and stated the court order that the department is currently functioning under has been in place since 1987. Last year a situation involving a salvage yard prompted the Court to make suggestions about changes they would like made to the existing court order.

Development Services had Attorney Greg Hudson draft a court order which is what Ms. Brown is seeking approval of today so that a public hearing may be held. Commissioner Webb stated he rewrote a lot of the drafted court order because he didn't feel the policy worked as submitted. The submitted draft states Commissioners' Court held a public hearing, which it did not. Commissioner Williams stressed the importance of a solid court order protecting communities, especially the rural ones, from noxious businesses. Judge Self expressed his concerns for the language used in the drafted court order and asked that criteria be objective and not subjective. He asked for paragraph 8.01e to be deleted as it involves an impossible situation. The Court did not feel it was ready for a public hearing and felt the ordinance needed more work. (Time: 2:24 p.m.)

HELD

7. AI-36726 2013 Ancillary Benefits presentation, Human Resources.

Cynthia Jacobson, Human Resources, came forward with a presentation on the 2013 Ancillary Benefits. There are a number of voluntary ancillary benefits that employees may choose to have; however, employees pay the full cost of these benefits. The current county policy regarding paid leave consolidates vacation and sick time into a lump sum and paid time off is based on the employee's years of service. Collin County is comparable to local cities and counties in terms of paid time off; however, some cities have unlimited accruals on sick time. Catastrophic time off ended in August of 2011, but there is still some carry over on these hours. Compensatory time off is accrued when a non-exempt employee works over 40 hours. Comp time is used in place of overtime; however, there are some specialized departments that can accrue overtime such as the Sheriff's Office, Animal Services, and Elections. For the first time in twelve years more comp time is being used than is being accumulated. When compared to other entities, Collin County has a higher maximum accrual on comp time. Commissioner Hill asked at what point it makes sense to staff the areas that accumulate overtime. Ms. Jacobson stated overtime only occurs during peak times, for instance during election season, but there has never been so much overtime that it would make sense to staff more employees.

The county no longer provides longevity pay. Only employees hired before 2007, roughly 62% of current employees, continue to receive longevity pay. The county offers shift differential, which is increased pay rates for second and third shifts. Some of the comparable counties do not offer shift differential, but according to Sheriff Terry Box it makes a big difference in keeping late night/overnight positions staffed. Safety pay was implemented with the thought process that people who drove a significant number of miles every year would have an incentive to avoid accidents if they were awarded safety pay for accident free driving. There is no evidence that safety pay is working and it seems that the number of accidents are actually increasing. Only 72% of eligible employees received safety pay this past year.

Employees who are called in after hours are guaranteed a minimum of two hours paid time. The county compensates employees who serve on jury duty; however, employees are required to turn in the money they receive for the jury duty service. Collin County is the only entity in the comparable counties and cities that require employees to turn in the funds they receive for jury duty. The county also offers short and long term disability, life insurance and accidental death, stipend pay for certain employees, court reporter compensatory time pay, long-term care, tuition assistance, and worker's compensation. (Time: 3:02 p.m.)

NO ACTION TAKEN

8. AI-36853 De-obligation of Collin County's allocation by \$78,192.88 from the Local Initiative Project (LIP) funds available from the Texas Commission on Environmental Quality (TCEQ), Special Projects.

Jeff Durham, Special Projects, came forward and explained that the county receives funds from TCEQ (Texas Commission on Environmental Equality) for local projects. The program ends August 31, 2013, and there are no upcoming projects for the remainder of the funds. Mr. Durham stated there has been an effort to find eligible projects, but has had little success in finding any programs to allocate the money before the program ends. TCEQ has requested the money be returned so it can be given to another county who may be able to use the funds. The funds come from fees paid by Collin County citizens when they get their automobiles inspected. Judge Self stated the Court has offered up numerous projects, including building turn lanes with these funds, but have been denied the opportunity to do so by TCEQ. A motion was made to not voluntarily hand over the funds to TCEQ because they are fees paid by our local citizens that TCEQ has blocked the county from using. (Time: 3:08 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Judge Keith Self

Vote: 5 – 0 Passed

COURT ORDER NO. 2013-418-06-10

9. AI-36844 Ballot drawing from the remaining 2012 Grand Jury list (in accordance with LGC, Section 152.015) to select the names of four (4) individuals to fill the remaining vacancies to be appointed and serve on the 2013 Collin County Salary Grievance Committee, Commissioners Court.

The individuals selected by Commissioners' Court were as follows:

Commissioner Matt Shaheen drew Pat H. McDonald.

Commissioner Cheryl Williams drew Patricia Bostian.

Commissioner Chris Hill drew Jean Power.

Commissioner Duncan Webb drew Jolly Tucker.

(Time: 3:09 p.m.)

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

NO ACTION TAKEN

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

Judge Self asked for a discussion during Budget Review regarding how the Court sets the commissions on struck off properties. (Time: 3:09 p.m.)

NO ACTION TAKEN

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting of the Commissioners' Court at 3:09 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