

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
FEBRUARY 3, 2014

COUNTY OF COLLIN

On Monday, February 3, 2014, 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 Mark Reid, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Reid 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 2:23 p.m. and adjourned the meeting at 2:24 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 2:24 p.m. and adjourned the meeting at 2:24 p.m.

FYI NOTIFICATION

1. AI-34688 Outstanding Agenda items, Commissioners Court.
2. AI-37903 Voluntary Terminations, Human Resources.
2. Public Comments.
3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4g4 and 4g5, and Commissioner Reid pulled items 4b1 and 4g7. The Judge informed the Court item 4g10 had been deleted and then pulled items 4g1 and 4g9. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:33 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

a. AI-37894 Disbursements for the period ending January 28, 2014, Auditor.

COURT ORDER NO. 2014-059-02-03

b. Advertisement(s):

1. AI-37866 Audio Visual for County and District Courts (RFP No. 2014-113), Information Technology.

Judge Self asked Caren Skipworth, CIO, to explain the advertisement in layman's terms. Ms. Skipworth stated the advertisement is to update the current technology in the courtrooms and AV (audio/visual) closets from analog capability to digital capability. The speakers, microphones, projectors and a majority of the LCD screens will be replaced as well as the equipment in the backend closet. With no further discussion, a motion was made to approve the item. (Time: 1:36 p.m.)

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

COURT ORDER NO. 2014-060-02-03

c. Award(s):

1. AI-37791 Annual Maintenance for Fujitsu Scanners (IFB No. 2013-288) to Amtek Computer Services, Information Technology.

Commissioner Reid asked if there were any concerns about the lowest bid being 34% below the next lowest bid. Michalyn Rains, Purchasing, explained there were eight responses, references were verified and she had no concerns. Ms. Skipworth stated the bid covered all of the requirements technically and the timeframes for support. This item was approved with the consent agenda. (Time: 1:34 p.m.)

COURT ORDER NO. 2014-061-02-03

d. Agreement(s):

1. **AI-37875** Consent to Assignment and Assumption for Services: Cafeteria Management (RFP No. 06306-12) to change the name from The Vitasek Investment Company, Inc. (dba Rose Food Services) to The Vitasek Leasing Company, Inc. (dba Collin County Courthouse Cafe) and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2014-062-02-03

e. Amendment(s):

1. **AI-37808** No. 1 to Services: Cafeteria Management (RFP No. 06306-12) with The Vitasek Leasing Co., Inc. to provide various changes to the contract, extend the contract for one (1) year through and including December 31, 2014 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2014-063-02-03

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

1. **AI-37897** January 13, 2014.

COURT ORDER NO. 2014-064-02-03

g. Miscellaneous

1. **AI-37801** Revised list of payables to be released outside of the normal process of accounts payable check runs and without an early release approval to avoid late charges and penalties, Auditor.

Judge Self asked Jeff May, Auditor, if there were individual limits on travel and then referenced an incident in the region, not in Collin County, involving individuals who spent quite a bit of money before it went back to Court for approval. Mr. May said the best way to address that issue would be to amend the travel policy. The Judge was also concerned about international travel. Mr. May confirmed the current travel policy requires Commissioners' Court approval before an individual travels internationally. With no further discussion, a motion was made to approve the item. (Time: 1:38 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2014-065-02-03

2. **AI-37892** Acceptance of a private offer from Tony Rivernbark in the amount of \$1,500 for property located in the Lavon Beach Estates Addition, Farmersville, Texas (Lot 16, Volume 5988, Page 4447) as recorded in the Collin County Deed Records (Account No. R077800001601) and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2014-066-02-03

3. **AI-37917** Acceptance of a private offer from the City of Nevada in the amount of \$4 for property located in the Nevada–Original Donation, Nevada, Texas (Block 3, Lots 9, 10, 11 and 12) as identified by Collin Central Appraisal District Tax Account Numbers R094600300901, R094600301001, R094600301101 and R0094600301201 and further authorize the County Judge to finalize and execute the associated documents, County Judge.

COURT ORDER NO. 2014-067-02-03

4. **AI-37893** Sale of Struck Off Property located in W.B. Williams Survey, Farmersville, Texas (Block 4, Tract 126, Volume 1912, Page 452) as recorded in the Collin County Deed Records to John M. Horner in the amount of \$11,501 and further authorize the County Judge to finalize and execute the associated documents, County Judge.

Commissioner Webb pulled this item because there was no reference to the value of the property or a breakdown of the \$11,501. Bill Bilyeu, County Administrator, came forward to explain this was handled differently because it was a sealed bid process and this was the highest bid received. Mr. Bilyeu spoke with Attorney David McCall's office and they have committed to always include the breakdown in the future. Commissioner Webb asked if Mr. Bilyeu knew the value of this piece of property. Mr. Bilyeu did not but will look it up through the Appraisal District. With no further discussion, a motion was made to approve the item. (Time: 1:40 p.m.)

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

COURT ORDER NO. 2014-068-02-03

5. AI-37902 Acceptance of a donation of three (3) desktop computers and monitors from the Office of Court Administration (OCA) and all software licensing costs from the Plano, Frisco and Collin County Bar Associations and the Collin County Bench/Bar Foundation, District Clerk.

Commissioner Webb pulled this item to find out the purpose of the work stations and whether three units were needed in the attorneys' lounge since attorneys would only be able to look at data within the eFile Texas Court System. The problem seems to be the need to scan paper copies and separate the electronic filings into orders, motions and citations. The Commissioner also said the Law Library is being inundated with requests to use the Adobe Pro scanners.

Andrea Stroh Thompson, District Clerk, said the idea was to put a unit on each floor. The Plano, Frisco and Collin County Bar Association have agreed to sponsor the licensing costs, and the Collin County Bench/Bar Foundation has agreed to put \$300 toward scanners which will address part of the issue. Ms. Thompson pointed out there will be no expectations, ongoing costs or maintenance associated with this item. These units were donated by the OCA and when they are gone, they're gone. If it's something the attorneys find useful, then perhaps the bar associations will contemplate replacing them.

Commissioner Webb asked Ms. Skipworth if these units would be tied onto the County system. Ms. Skipworth explained they would be tied onto our network to get internet access and then they would be locked down to the Texas Filing Portal. If scanners are added, that would have to be opened in order to work with scanning software. The Commissioner then asked about putting in the necessary safeguards to make sure the units can only be used for those two purposes. Ms. Skipworth said they would do the best they could. The Judge stated both the County and the lawyers get a benefit from eFiling and would like the attorneys to have what they need in the lounge as opposed to the library.

Judge Self asked the cost of Adobe Pro and what it adds. Ms. Thompson said the scanner/Adobe Pro combination called Scansnap is approximately \$400 and would be the best value. Ms. Skipworth said, if the Court is looking at a long-term approach, she would recommend submitting it in the next budget while putting this system in place to see how it works. There was a brief discussion on the efficiency of the system.

Commissioner Hill asked Ms. Skipworth about the trouble shooting scenario. Ms. Skipworth explained, under the current donation system, if any systems go down or need replacement, the County won't provide that. If the problem is technical, the Help Desk will support it. Commissioner Webb made a motion to approve the acceptance of this item and also to fund one scanner/Adobe Pro combination to see how it's used. If it is determined that more are needed, at Budget it can be expanded to include all three.

Monika Arris, Budget, came forward to confirm the motion was to include a budget amendment to take the differential out of the non-departmental miscellaneous to fund the purchase. A motion was made to approve the item. (Time: 1:52 p.m.)

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

COURT ORDER NO. 2014-069-02-03

6. **AI-37906** Re-designation of Private Road 5547 to Nature Nate Farms (with associated address updates), GIS/Rural Addressing.

COURT ORDER NO. 2014-070-02-03

7. **AI-37852** Acceptance of software and services offered to Collin County by Cisco at no cost to the County, Information Technology.

Commissioner Reid expressed concerns about ongoing expenses for the donated items. The Commissioner asked if the Cisco Technical Knowledge Library Subscription and the SMARTnet Total Care Data Collector are items the County will eventually have to support. Ms. Skipworth explained both items are time stamped and the first will expire in 24 months and the second in 36 months. This is just a trial; if these services are found to be helpful, they will need to be placed in the budget. A motion was made to approve the item. (Time: 1:53 p.m.)

Motion by: Commissioner Mark Reid
Second by: Commissioner Duncan Webb
Vote: 5 – 0 Passed

COURT ORDER NO. 2014-071-02-03

8. **AI-37878** Accept the donation of a 1954 John Deere 70 diesel tractor with a cotton stripper component to the Collin County Farm Museum from the Wells family, Myers Park.

COURT ORDER NO. 2014-072-02-03

9. AI-37891 Adoption of the revised Furniture Policy, Purchasing.

Judge Self had questions regarding the limits imposed by telling people they must buy ergonomically correct chairs. Commissioner Williams asked if this was an OSHA (Occupational Safety & Health Administration) requirement. Cynthia Jacobson, Human Resources, stated the County is not required to follow OSHA. Ms. Rains explained she is updating the policy and this is a baseline standard to start and build from. The County already provides ergonomically correct chairs. If someone has a problem with a chair, it is looked at on a case by case basis. A motion was made to approve the item. (Time: 1:56 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2014-073-02-03

10. AI-37877 Adoption of the Collin County Farm Museum Collections Policy and Procedures, Special Projects.

PULLED

11. AI-37881 Adoption of the revised Facility Usage Agreement and MPEC Policies, Special Projects.

COURT ORDER NO. 2014-074-02-03

12. AI-37908 Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-075-02-03

13. AI-37904 Personnel Changes, Human Resources.

COURT ORDER NO. 2014-076-02-03

GENERAL DISCUSSION

5. AI-37899 Public Hearing – Consideration and any action for the issuance of a "Mass Gathering" permit for the Garden Show 2014 event on March 22-23, 2014 in accordance to the Health and Safety Code 751, Special Projects.

Judy Florence, Myers Park & Event Center, handed out an amended budget page correcting a discrepancy. Ms. Florence then briefed the Court on the request for a public hearing. This is the fourth year of the Garden Show and the second year they are asking for a mass gathering permit. This is a co-sponsored event with Myers Park. The Garden Show brings in many vendors and speakers on various gardening topics. Judge Self opened the Public Hearing at 1:58 p.m. and asked for comments. Hearing none, the Judge closed the Public Hearing at 1:58 p.m. A motion was made to approve the item. (Time: 1:58 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Mark Reid

Vote: 5 – 0 Passed

COURT ORDER NO. 2014-077-02-03

6. AI-37901 Courthouse Addition update presented by Turner Construction Co., Construction & Projects.

Bill Burke, Construction & Planning, came forward with Matt Nail, the Project Executive with Turner Construction Company to update the Court on the status of the punch, closeout and warranty lists. Mr. Burke stated the erosion control inspection was handled last week and did pass. Prior to that another item came up on engineering and the inspectors want to see "as-builts" on the new parking lot that was added to the north end of the building by the County through Public Works. Mr. Burke will hire an engineer to draw an as-built, and when that passes, the Final Certificate of Occupancy will be issued.

Mr. Nail added the Certificate of Occupancy was granted that morning with the promise that the inspectors would receive the information they requested. The five punch lists are now 99% complete with only 25 remaining items out of the original 2,850. Most of the remainder of the items should be complete by the end of March. Materials will be delivered February 14th and then Turner will work with the Construction Department to get access to the building since they do most of their work on weekends and evenings to avoid interruption of activities during the day.

Commissioner Webb brought up the terrazzo flooring and asked if that item was included in the March completion date. Mr. Nail said that would depend on the solution and how to access it. Also that work can only be done on weekends because it is a long and laborious process. As for the solution, a proposal was sent to replace the cracked areas and have a consulting engineer verify that the installation is correct and per terrazzo standards. If the terrazzo remains intact, then Turner Construction will provide the warranty. If it cracks again, Turner's position will be that there is something in the design that is making it crack and would ask to have the design looked at again. Turner Construction has already hired an engineer once to have tests done and their observations indicated the issue was subcontractor related. Turner will have the engineer come back to make sure the new installation is correct per the original design and standards.

Commissioner Reid asked if it appears to be a terrazzo problem or a structural problem. Mr. Nail said indications are that it is not a structural problem. The engineer had checked for cracks in the drywall and in the concrete below the cracked terrazzo and found none. Some cores were done and one sample indicated that the re-enforcing mesh was lower in the grout bed than it should have been. As of now, Turner Construction is saying it's a subcontractor issue. The subcontractor has come back and replaced a few patches and the consulting engineer watched the installation. So far the new terrazzo has not cracked.

Judge Self asked Mr. Burke if the floor cracks again, what would be the County's recourse if Turner Construction steps aside. Mr. Burke said the only recourse would be legal. Commissioner Reid stated under the statute of repose, the County would have 10 years to hold them accountable. The Judge suggested Commissioners Webb and Reid take a look at the agreement presented by Turner Construction to make sure the County is covered. Mr. Nail stated if it cracks again, even though it was installed properly, there is no guarantee that it wouldn't crack again. Judge Self asked who will be responsible for a new design if the terrazzo continues to crack. Mr. Nail said Turner is not advocating going to court but rather finding the cause of the problem instead of doing the same thing over and over.

Mr. Burke said the consulting engineer was a third-party peer review engineer and signed off on the original structural design. Therefore the original structural engineer would not need to be involved again. The newly reinstalled terrazzo has been in place for almost three months and has not cracked. The original terrazzo cracked between six and eight weeks after installation, and between three and four weeks for the first replacement.

Commissioner Hill asked the time frame involved in replacing the cracked terrazzo. Mr. Burke is not sure since it will be done in phases on the weekends. The Judge asked Mr. Burke and Mr. Turner to coordinate with Commissioners Webb and Reid to come to some agreement about the future. (Time: 2:14 p.m.)

NO ACTION TAKEN

7. AI-37879 Funding allocation to replace a Fork Lift (Unit No. 13206) at Myers Park, Special Projects.

Judy Florence explained Myers Park was given a fork lift in 2008 which had outlived its life with Public Works. Since 2008 Myers Park events have increased 150%, revenues have increased 101% and this piece of equipment is heavily relied upon. The unit broke down in October and it now needs a new engine rebuild for \$8,000. There is no guarantee this will fix the machine. Ms. Florence is requesting funding to purchase a new or used machine. Judge Self asked Jon Kleinheksel, Public Works, if the repairs were done, would the fork lift be a serviceable piece of equipment for years to come. Mr. Kleinheksel does not believe it would be because it is almost 27 years old. There was a brief discussion regarding the quality of a used fork lift. Mr. Kleinheksel suggested buying a new machine for Public Works and giving one of Public Works' used machines to Myers Park. Ms. Florence asked if they would then be allowed to put that on the replacement schedule for future years. Commissioner Webb agreed she has proved the need for the machine. Commissioner Williams prefers a new one because of Public Works' ability to keep a piece of machinery operating and a used one may not have the same life span. A motion was made to purchase a new fork lift for Public Works and to give a used fork lift from Public Works to Myers Park. This includes putting the fork lift on the replacement list. (Time: 2:23 p.m.)

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

COURT ORDER NO. 2014-078-02-03

8. AI-37871 County Employee salary transfer policy, Commissioner Precinct 2.

HELD

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

NO ACTION TAKEN

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

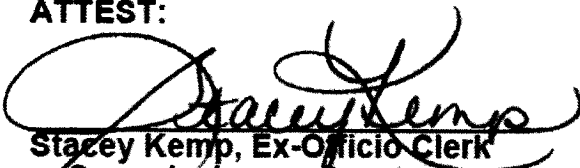
Judge Self asked Mr. Bilyeu to put together a workshop on the JP (Justice of the Peace) collections process after a court session.

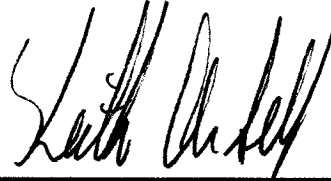
EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:24 p.m.



ATTEST:


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



Keith Self, County Judge



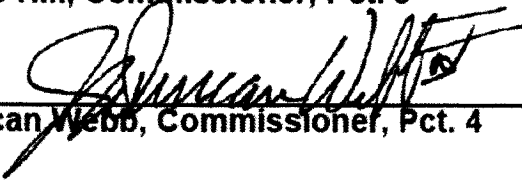
Mark Reid, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

Not Present

Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4