

STATE OF TEXAS

COMMISSIONERS' COURT  
MEETING MINUTES  
MAY 19, 2014

COUNTY OF COLLIN

On Monday, May 19, 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 Reid 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. and recessed the meeting at 3:01 p.m. The meeting was reconvened and recessed into Executive Session at 3:02 p.m. The meeting was reconvened and adjourned at 4:05 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:02 p.m. and adjourned the meeting at 3:02 p.m.

**DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:**

1. AI-38240 Budget amendment in the amount of \$1,200 to host a legal education training session conducted by the Texas District and County Attorney's Association (TDCAA) for DWI training, District Attorney.

2. AI-38255 Personnel Appointments, Human Resources.

3. AI-38256 Personnel Changes, Human Resources.

**FYI NOTIFICATION**

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

2. **AI-38241** Addendum No. 1 and 2 to Supplies: Jail and Personal Inmate (IFB No. 2014-122) to make various changes to the Invitation for Bid, Purchasing.

3. **AI-38211** Budget amendment in the amount of \$15,000 to establish a budget for the Internet Crimes Against Children (ICAC) grant funds, Auditor.

## **2. Public Comments.**

## **3. Presentation/Recognition:**

a. **AI-38221** Presentation of a "Building a Better Texas" award to Commissioners Court, AgriLife Extension Service.

Carrie Brazeal, Texas AgriLife Extension Service, came forward with several volunteers to honor the 100-year anniversary of the Smith-Lever Act, the legislation which officially created the National Cooperative Extension System. The cooperation and support of Commissioners' Court has made it possible for Texas AgriLife Extension Service to reach all Texans with much needed educational programming and help to make their lives better. Ms. Brazeal presented the Court with a "Building a Better Texas" award and thanked the Court for helping to extend knowledge and provide solutions to the county residents. (Time: 1:34 p.m.)

4. **Consent agenda to approve:** Judge Self pulled item 4c1 for discussion and then asked for comments on the consent agenda. Commissioner Webb pulled the disbursement to Schindler Elevator. Hearing no other comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

a. **AI-38237** Disbursements for the period ending May 13, 2014, Auditor.

All disbursements with the exception of Schindler Elevator were approved with the consent agenda vote.

### **COURT ORDER NO. 2014-263-05-14**

A motion was made to approve the disbursement to Schindler Elevator. Commissioners Webb and Reid did not participate in the vote. (Time: 1:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 3 – 0 Passed

Abstained: Commissioner Duncan Webb and Commissioner Mark Reid

### **COURT ORDER NO. 2014-264-05-14**

b. **AI-38215** Tax refunds totaling \$427,478.18, Tax Assessor Collector.

**COURT ORDER NO. 2014-265-05-14**

c. **Advertisement(s):**

1. **AI-38193** Telecom 2014 Cisco Voice Upgrade (RFP No. 2014-208), Information Technology.

Caren Skipworth, CIO, explained the Telecom 2014 Cisco Voice Upgrade. An RFP (Request for Proposal) was sent out in 2003 when the county went from the old Roam system to the VoIP (Voice Over Internet Protocol) system. This system was phased in from 2004 to 2006 with a minor upgrade to the software in 2008. In FY2014, Ms. Skipworth is requesting approval to advertise an RFP (Request for Proposal) to upgrade the software and replace a majority of the aging analog backend equipment.

This project will touch every building and every phone system in the county including the Cisco conference room phones. The upgrade includes: a software upgrade to the newest and latest release put out by Cisco, the replacement of a majority of the backend hardware, configuration of the new system, moving the existing telephony environment, consulting services for the installation, and training of IT personnel for both hardware and software systems in order to be self-supportive and efficient. The implementation timeframe is estimated to be six to nine months and there should be no outage situations during that time. This upgrade does not include replacing desk phones or conference room phones.

The current environment is almost 11 years old and, as of June 22, 2013, not in compliance for security. Since voice and data share the same network, this would also put us out of compliance for audits for TLETS (Texas Law Enforcement Telecommunications System) and phone. Support contracts cannot be renewed or extended after September 2014, and Cisco will not support any of the products after June 30, 2015. Judge Self asked if the budgeted funds would be expended in the current year or if those funds roll into the next budget year. Ms. Skipworth said based on the implementation, these funds will be encumbered but the P.O. (Purchase Order) will not be completed until the next fiscal year. With no further discussion, a motion was made to approve the item. (Time: 1:41 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

**COURT ORDER NO. 2014-266-05-14**

2. **AI-38235** Road Materials: Cement Treated Subgrade (IFB No. 2014-232), Public Works.

**COURT ORDER NO. 2014-267-05-14**

**d. Amendment(s):**

1. **AI-38239** First Amendment to Exhibit A of the Tax Abatement Agreement (Reinvestment Zone No. 137) with FedEx Office and Print Services, Inc. and KDC Legacy HQ Investments One, LP to amend the reinvestment zone's geographical area, Budget.

**COURT ORDER NO. 2014-268-05-14**

**e. Budget adjustment(s)/amendment(s):**

1. **AI-38250** \$9,000 to move funds from HR–Veterans education and conference to HR–Admin education and conference line item, Human Resources.

**COURT ORDER NO. 2014-269-05-14**

2. **AI-38222** \$11,246 to move funding back to the 2007 Open Space Grant Fund, Budget.

**COURT ORDER NO. 2014-270-05-14**

3. **AI-38171** \$15,171,408 for the encumbrance rollover from FY2013 to FY2014, Auditor.

**COURT ORDER NO. 2014-271-05-14**

**f. Receive and File, Auditor:**

**1. Final Audit Result(s):**

- a. **AI-38186** Constable, Precinct 2 (2nd & 3rd Quarter FY2013).

**COURT ORDER NO. 2014-272-05-14**

- b. **AI-38196** Justice of the Peace, Precinct 3-1 (3rd Quarter FY2013).

**COURT ORDER NO. 2014-273-05-14**

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

1. **AI-38224** April 28, 2014.

**COURT ORDER NO. 2014-274-05-14**

**h. Miscellaneous**

1. **AI-38260** Select appraiser for the Adventure Camp, Administrative Services.

**COURT ORDER NO. 2014-275-05-14**

2. **AI-38229** Acceptance of a rebate check in the amount of \$163.70 for participation in the Home Depot Incentive Program for US Communities and budget amendment for same, Purchasing.

**COURT ORDER NO. 2014-276-05-14**

3. **AI-38230** Acceptance of a rebate check in the amount of \$8,587.29 for participation in the State of Texas Procurement Card Program and budget amendment for same, Purchasing.

**COURT ORDER NO. 2014-277-05-14**

4. **AI-38234** Acceptance of the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$17,971 and further authorize the County Judge to finalize and execute the Interlocal Agreement and the Memorandum of Understanding with the cities of Plano and McKinney, Sheriff.

**COURT ORDER NO. 2014-278-05-14**

5. **AI-38257** Personnel Appointments, Human Resources.

**COURT ORDER NO. 2014-279-05-14**

6. **AI-38258** Personnel Changes, Human Resources.

**COURT ORDER NO. 2014-280-05-14**

**GENERAL DISCUSSION**

5. **AI-38223** FY2013 CAFR (Comprehensive Annual Financial Report) presentation, Auditor.

Jeff May, Auditor, gave a brief explanation on the complexity of government accounting and the CAFR. In 2013, there were expenditures of \$24.9 million in road bond projects and new debt issued in the amount of \$74.185 million of which \$46.01 million was used for refunding existing debt. The General Fund unassigned fund balance was \$148.1 million, an increase of \$29.18 million from 2012. There were 317 operating days in 2013 versus 281 operating days in 2012. This was the largest increase Mr. May has ever seen. The unassigned fund balance is the amount that is not restricted or committed to any project and is available for spending. The UDCF (University Drive Courts Facility) was sold for \$3.5 million which contributed to the surplus as did the 2013 Court action moving a committed fund balance for emergency purposes to the unassigned fund. The drop in the fund balance in 2011 was due to the \$40.5 million payment to TCDRS (Texas County and District Retirement System).

The surplus was created from \$2.7 million in revenues that were over the adopted estimates, \$13 million in expenditures that were under the adopted budget, \$10 million in changes in commitment by Commissioners' Court and the sale of assets. The revenue breakdown is 65% from taxes countywide, 5% from state and federal funding, less than 1% from investments and 14% in fees which have been steadily increasing.

A breakdown in expenditures showed that salaries and benefits have decreased since 2010 and the debt service has been steadily increasing due to bonds. Judge Self questioned the term "new debt" since most of it is old debt which has been refinanced. Mr. May said the Judge was correct and explained it is called new debt due to a bond issue.

Mr. May introduced Todd Pruitt, CPA with Pattillo, Brown & Hill, L.L.P., who performed the County's audit. Mr. Pruitt explained the report expressed an unmodified or clean opinion which is the highest form of opinion the independent auditor can issue. This means the financial statements have been audited by the firm and, in their opinion, are free of any material misstatements and are presented fairly in accordance with GAAP (Generally Accepted Accounting Principles). Mr. Pruitt also noted the audit was performed in accordance with government auditing standards. Those standards require gaining an understanding of the internal controls over the financial reporting process and determining if there were any deficiencies. Mr. Pruitt reported there were no material weaknesses identified during the course of the audit. It was a very clean audit with not a single audit adjustment proposed. Judge Self congratulated Mr. May and his team on the tremendous audit results. With no further discussion, a motion was made to accept the CAFR. (Time: 1:54 p.m.)

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

#### **COURT ORDER NO. 2014-281-05-14**

#### **6. AI-38259 Update on fireworks issues at Brockdale Park, Commissioner Precinct 3.**

Commissioner Hill asked Jason Browning, Fire Marshal, to report on preparations for this year's fireworks season. Mr. Browning is working with county staff and the City of Lucas regarding the two stands that both sell and allow the discharge of fireworks on the property. There have been issues in the past with emergency vehicles gaining ingress and egress due to the ancillary traffic. Under the adopted Fire Code 403.2, Mr. Browning has determined there is an adverse effect to public safety and has authorized a public safety plan to address these two stands.

Both stands submitted a preliminary plan calling for 2,500 patrons and agreed to submit a joint safety plan. Under the Mass Gatherings Act, 2,500 patrons would be a mass gathering and require a permit. Mr. Browning took the plan to Major Mark Sanderson, Sheriff's Office, Jon Kleinheksel, Public Works, Sgt. Bonilla, DPS (Department of Public Safety) and Barry Heard, TxDOT (Texas Department of Transportation) for review and, based on the amount of assets the plan proposed to have on the ground to manage the area, the plan was denied. Both stands then submitted independent plans calling for 2,400 patrons each. This brought the number of patrons from 2,500 to 4,800 collectively. Both stands had been made aware that the number of patrons would be considered collectively.

The Sheriff's Department is concerned with the traffic laws and enforcement of the Transportation Code which prohibits parking and stopping in certain areas. With roadways blocked and traffic at a standstill, these vehicles cannot yield the right of way for emergency traffic. In the past there have been traffic accidents, fires, medical emergencies and assaults and emergency personnel were seriously hampered or could not gain access at all. DPS looked at the plan and determined the only way to manage the traffic would require blocking the roadway and not allowing incoming traffic until the road is passable again. However, TxDOT will not allow a road to be closed for an event without a permit, and these permits cannot be obtained by private individuals.

The Fire Marshal's office is concerned with emergency response and the fire hazards due to the drought. There are no reserves of lake water in that particular area and, if there is a fire, the trucks can't get to it. American Medical Response suggests one paramedic EMT (Emergency Medical Technician) team and one MICU (Medical Intensive Care Unit) staged at the scene. Mr. Browning recommends staying with the traffic control plan and, as the situation develops, shut down the roads and follow the lead of the Sheriff's Department. Traditional means which include barricades, tape and signs do not work.

Commissioner Williams is concerned about the amount of county dollars and resources used to address what is actually a private event. By providing food and drink and allowing fireworks to be discharged, these stands have created an event. The Commissioner has concerns about taxpayer dollars being spent to subsidize a private event and how this is being budgeted.

Mr. Kleinheksel said this event takes approximately two weeks to facilitate. Approximately 425 barricades, 475 TxDOT barrels, sandbags, 25 rolls of tape and sign boards are put up before the event and then removed afterward. Water trucks have to be staged at Copeville and Farmersville and there are administrative costs and employee costs. From Public Works alone last year's costs were between \$23,900 and \$31,461.

Sheriff Terry Box said his department has been unable to control the event during the last two or three years. This year the event will occur on a Friday night which will draw a larger crowd. There are hundreds of calls from other areas in the county that can't be addressed even with overtime officers and reserves. Fire trucks are staged on the site but cannot get out through the traffic to respond to a fire. The stands have hired people in the past to work on their site, but that is not where the problem is. The problem is getting in and out and blocking the roadway. The Sheriff feels the Fire Marshal's plan is good.

The date by which the Court would have to vote to restrict fireworks is June 15th but this would only restrict the use of certain fireworks. A disaster declaration by the County Judge can be proclaimed at any time and would prevent the use of all fireworks. The City of Lucas does have an ordinance prohibiting the sale and discharge of fireworks within their city limits and could extend this. Commissioner Williams and Mr. Browning attended Lucas' last city council meeting, and the city said they will look again at extending the ordinance. Commissioner Hill and Commissioner Williams think the county should move forward with its response in case Lucas' city council decides not to extend their ordinance.

There was a lengthy discussion regarding putting the responsibility of the cost for managing public safety on the owners of the fireworks stands. The Sheriff received a text stating the owners of the stands said the roadway is not their problem and are not willing to bear that expense so the county will move forward with the mass gathering permit. The Judge would like the issue to be a future agenda item to monitor the situation. (Time: 2:32 p.m.)

#### **NO ACTION TAKEN**

#### **7. AI-38185** Enforcement of violations by drivers passing or driving by a stopped school bus, Sheriff.

Sheriff Terry Box said he was asked to attend a meeting with the MISD (McKinney Independent School District), McKinney Police Department, ATS (American Traffic Solutions) and Durham School Services. There are 33 violations per day in MISD of vehicles driving around school buses during loading and unloading. ATS has come up with a solution at no cost to the school district or county. A camera will be mounted on the side of the bus and activated when the lights are turned on. ATS will perform an audit of the tapes each day to extract violations. Videos of those violations will be emailed to the Sheriff's office for review. This process is estimated to take only 15 minutes per day. If the Sheriff's office agrees there was a violation, ATS will issue a citation. Payment of the citation will go to ATS with a percentage of that fee going to the McKinney Police Department and the county to pay for their time reviewing the tapes.

David Jackson, American Traffic Solutions, showed a video of how the camera would operate and explained the goal is not to write a lot of citations but rather to be a public awareness program. The citation will be sent to the registered owner of the vehicle and they can go online and watch the video. Approximately 70% of the violations around the country are paid and 99% of people who receive a citation do not receive a second. Violations have dropped almost 44%. A portable message sign is posted in areas where many violations have occurred.



The school district would contract with ATS and Durham Transportation. The school board would have to approve an MOU (Memorandum of Understanding) with the county, and then a public awareness campaign would begin a month before the school year begins. Commissioner Williams asked on whose books the fines would reside. Commissioner Webb has no problem with this but worries about the jurisdictional side of it. The ISDs have the ability to structure their own law enforcement department which would keep the county out of the system.

There was a lengthy conversation about the program needing a partner representing law enforcement. Commissioners Webb and Williams do not want another citation going on the county's books and creating more collection issues. Commissioner Williams also said this is using the veil of government to provide a profit paradigm. Commissioner Hill would like to eliminate the problem absent any revenue source. Judge Self suggested donating the officer's time to review the tapes as long as the county does not own the citations.

Commissioner Webb made a motion seconded by Commissioner Williams to explore an MOU with McKinney ISD for minimal time and no county ownership. Commissioner Hill questioned whether a vote was required. Sheriff Box said he did not need a motion to go back to McKinney ISD and discuss the matter further. Commissioner Webb withdrew his motion. (Time: 3:01 p.m.)

**NO ACTION TAKEN**

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

## **SUPPLEMENTAL AGENDA**

### **EXECUTIVE SESSION**

#### **Personnel (551.074)**

Judge Self recessed the meeting into Executive Session in accordance with Chapter 551.074, Personnel, of the Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (Time: 3:02 p.m.)

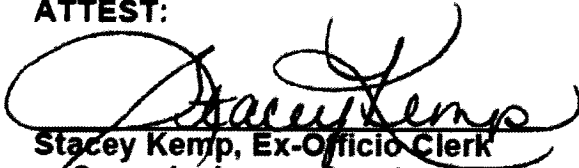
**AI-38274** County Engineer, Administrative Services.

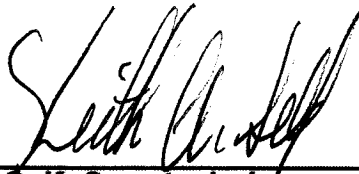
**NO ACTION TAKEN**

Judge Self reconvened the meeting at 4:05 p.m. There being no further business of the Court, Judge Self adjourned the meeting at 4:05 p.m.



ATTEST:

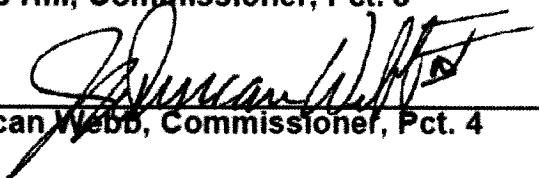
  
Stacey Kemp, Ex-Officio Clerk  
Commissioners Court  
Collin County, T E X A S

  
Keith Self, County Judge

  
Mark Reid, Commissioner, Pct. 1

Not Present  
Cheryl Williams, Commissioner, Pct. 2

Not Present  
Chris Hill, Commissioner, Pct. 3

  
Duncan Webb, Commissioner, Pct. 4