

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 14, 2015

On Monday, December 14, 2015, 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 Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Fletcher 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 3:18 p.m. The meeting was reconvened and immediately recessed into Executive Session at 3:45 p.m. The meeting was reconvened and adjourned at 4:46 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:18 p.m. and adjourned the meeting at 3:18 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 3:19 p.m. and adjourned the meeting at 3:45 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-40951 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. AI-40923 Amendment No. 2 to Insurance, Property Boiler and Machinery (RFP No. 2014-276) with Arthur J. Gallagher Risk Management Services to include the John Wesley Building at the same terms and conditions of the contract through and including September 30, 2016, Human Resources.

3. **AI-40927** Change Order No. 3 to Specialized Printing for Elections (IFB No. 2013-118) with Data Flex Business Products for proposed price increase to Postage, Voter Registration Certificates, Mass Mailout, Purchasing.

4. Notification of budget adjustment(s)/amendment(s), Auditor:

a. **AI-40921** \$1,400 to return unspent CPS Legal Services funding to the General Fund (001).

b. **AI-40916** \$2,812 to return the unspent amount in the CPS Board grant fund to the CPS Board fund for CPS Child Welfare.

c. **AI-40904** \$85,800 to establish the budget for the FY2016 Community Preparedness Section/One Time Unique Program Grant.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-40793** Recognition of Farm Museum Volunteers, Special Projects.

Judge Self recognized Roger Myer, Jeff Phelps and Randy Lucas for their work at the Farm Museum. They have donated over 4,000 hours to renovate the major pieces of farm equipment. The Judge thanked them for the time they have put into the history of Collin County. (Time: 1:33 p.m.)

4. Consent agenda to approve: Judge Self pulled items 4b2, 4c4, 4h4 and 4h11 and then asked for comments on the consent agenda. Commissioner Webb pulled items 4c1, 4c3, 4d1 and 4f1a. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Susan Fletcher
Vote: 5 - 0 Passed

a. **AI-40942** Disbursements for the period ending December 8, 2015, Auditor.
COURT ORDER NO. 2015-949-12-14

b Award(s):

1. **AI-40836** Audio Visual for Auxiliary Courtrooms (RFP No. 2015-296), Information Technology.
COURT ORDER NO. 2015-950-12-14

2. **AI-40928** Audio Visual for JP Courtrooms (RFP No. 2015-245), Justice of the Peace, Precinct 1.

Judge Self pulled this item for discussion because there was no budget amendment and asked Paul Raleeh, Justice of the Peace, Precinct 1, if he wanted to speak on the item. Judge Raleeh asked if the Court could award the contract and approve the line item since these are court technology funds and not public funds. It was in the budget for FY2015 and was requested to be moved to FY2016, but that did not happen. Judge Self said it would need to be brought back to Court with a budget amendment. (Time: 1:36 p.m.)

HELD

c. Agreement(s):

1. **AI-40933** Professional Services Agreement with LifePath Systems to provide services for Teen Court participants for treatment of substance abuse and mental health disorders, grant exemption from the competitive bid process per V.T.C.A. Local Government Code 262.024(a)(4) and further authorize the Purchasing Agent to finalize and execute same, Administrative Services .

Commissioner Webb asked to hold this item because the Director of Teen Court wanted to make some changes to the agreement to give her more flexibility. (Time: 1:37 p.m.)

HELD

2. **AI-40926** Agreement to Contribute Right of Way Funds (Fixed Price) with the Texas Department of Transportation (TxDOT) for right-of-way (ROW) funds for improvements to FM2551 from FM2514 to FM2170 (2007 Bond Project No. 07-00-20) and budget amendment in the amount of \$1,136,500 (County's participation is \$1,136,499.30), Engineering.

COURT ORDER NO. 2015-951-12-14

3. **AI-40931** Interlocal Agreement with the City of Plano for the Legacy Transportation Study (2007 Bond Project No. 07-00-46) and budget amendment in the amount of \$30,000 for same (County's participation NTE \$30,000), Engineering.

Commissioner Webb is very supportive of this item and wanted to go on record to say, in the event there is additional funding needed, he is open to asking the Court to provide additional funding. This is the primary employment corridor in Collin County. The need to move people in and out of that area will be important in the long term. Commissioner Williams stated she has the same level of support as Commissioner Webb. With no further comments, a motion was made to approve the item. (Time: 1:39 p.m.)

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

COURT ORDER NO. 2015-952-12-14

4. AI-40922 Interlocal Agreement with the Collin County Municipal Utility District No. 1 for improvements to CR 50 (from Frontier Pkwy to S Dallas Pkwy), Public Works.

Judge Self asked Jon Kleinheksel, Public Works, if there were funds necessary for this item. Mr. Kleinheksel said there were no funds necessary and then introduced Clint Jaeger with Republic Property Group. Mr. Jaeger explained the modifications to CR50 will help control and convey storm drainage into a smaller area. There is full agreement with the major property owner and it has been reviewed by the City of Celina's Engineer, Collin County's Engineering Department and Public Works. 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 Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2015-953-12-14

5. AI-40896 Consent to Assignment and Assumption for Mental Health Managed Counsel Program (Agreement No. 08350-12) to change the name from Ferguson Law Office PLLC to Ferguson Law Office PC and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2015-954-12-14

d. Amendment(s):

1. AI-40819 No. 4 to the TechShare.Juvenile and Juvenile Case Management System (JCMS) - Basic 2013 Resource Sharing Addendum with the Texas Conference of Urban Counties (CUC) to extend the term through and including June 30, 2016, Information Technology.

Commissioner Webb pulled this item to get an explanation of the TechShare Indirect Assessment of \$535,099. Steve Ganey, IT, said it was the overhead to keep the program running. Mr. Ganey said he would talk to Caren Skipworth, CIO, and let the Commissioner know what exactly was in that number. With no further discussion, 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. 2015-955-12-14

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

1. AI-40890 \$24,388 for final payment to TxDOT for the ROW acquisition and utilities for SH78 from SH205 to Business SH78 (Bond Project No. 070010), Engineering.

COURT ORDER NO. 2015-956-12-14

f. Receive and File, Auditor:

1. Final Audit Result(s):

a. AI-40901 Tax Assessor/Collector (3rd & 4th Quarter FY2013).

Commissioner Webb pulled this audit report which was for the 3rd and 4th quarters of FY2013. There were three items written up on this report. The first issue is related to security at the Plano location. Jeff May, Auditor, said badge readers were installed on the doors and the issue has been resolved.

The second item, which is still going on, involves monies being generated through an office with no accounting of those monies. People are giving their old license plates to the Tax Assessor Office who is then recycling the plates and receiving money. The Commissioner has an issue with this and the fact that there is no signage letting the public know what is being done with the license plates. Commissioner Webb asked Mr. May if the Court has the power to dictate whether or not disposal points that generate money can be set up and used for other things. Mr. May said, while he wrote this up because of the accounting issue, he has not found a law regarding this. Since the monies are being used for the benefit of the employees, Mr. May feels there needs to be an accounting of it. If a department collects funds and there is no law saying these funds go to this department, then the funds would go to the General Fund. There was a lengthy conversation regarding the legality of this issue and the fact that there is no signage stating what the money is being used for. The Court would like an accounting of the money.

The third item is regarding the Tax Assessor's Office in Plano which hires Plano Police Officers for security and has to pay the officers at the end of each day. Since it would take weeks for the checks to be issued, the Assessor created a fund using his personal funds to pay the officers who in turn sign limited powers of attorney designating someone in the Assessor's Office to endorse the checks which are then cashed. This process has since been modified and the Assessor is accounting for the funds with a log showing who received cash. Commissioner Webb suggested the Court authorize a petty cash fund to pay the officers and then 1099 the officers based on the amount of cash received over the year. This eliminates the need for the powers of attorney. Mr. May will look into the Commissioner's suggestion. Commissioner Fletcher suggested the Auditor speak with someone at TAC (Texas Association of Counties) regarding the legal questions. Commissioner Williams would like the item to remain on the Outstanding Items list. With no further discussion, a motion was made to accept the Auditor's findings. (Time: 2:07 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Susan Fletcher

Vote: 4 – 1 Passed

Nay: Judge Keith Self

COURT ORDER NO. 2015-957-12-14

b. **AI-40905** Constable, Precinct 1 (4th Quarter FY2014).
COURT ORDER NO. 2015-958-12-14

c. **AI-40906** Constable, Precinct 4 (4th Quarter FY2014).
COURT ORDER NO. 2015-959-12-14

d. **AI-40908** Justice of the Peace, Precinct 1 (4th Quarter FY2014).
COURT ORDER NO. 2015-960-12-14

e. **AI-40907** Justice of the Peace, Precinct 3-2 (4th Quarter FY2014).
COURT ORDER NO. 2015-961-12-14

f. **AI-40903** Myers Park (4th Quarter FY2014).
COURT ORDER NO. 2015-962-12-14

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

1. **AI-40891** November 16, 2015.
COURT ORDER NO. 2015-963-12-14

2. **AI-40895** November 23, 2015.
COURT ORDER NO. 2015-964-12-14

h. Miscellaneous

1. **AI-40918** Support City of Frisco Convention & Visitors Bureau bid to host the 2018 North and East Texas County Judges and Commissioners Association Conference, Administrative Services.
COURT ORDER NO. 2015-965-12-14

2. **AI-40919** Support City of Frisco Convention & Visitors Bureau bid to host the 89th Annual West Texas County Judges & Commissioners Association Conference, Administrative Services.
COURT ORDER NO. 2015-966-12-14

3. **AI-40898** Acknowledgment of the issuance of a loan facilitated by the Splendora Cultural Education Facilities Finance Corporation and Frost Bank on behalf of My Possibilities to finance the acquisition of 20.004 acres of land located at the northeast corner of Mapleshade Lane and State Highway 190 in Plano, Collin County, Texas, Commissioners Court.
COURT ORDER NO. 2015-967-12-14

4. **AI-40932** Early Voting calendar of locations, dates and times for the March 1, 2016, Primary Elections, Elections.

Judge Self welcomed Bruce Sherbet, the new Elections Administrator. Mr. Sherbet said there was one change that had to be made. Carpenter Park Recreation Center has a commitment on the weekend so it can only be used as an early voting location during the week. There will be no substitute location for the weekend. Judge Self asked how the public will be notified about this change since it is a huge voting location. Mr. Sherbet suggested using past turn out and sending notifications. With no further discussion, a motion was made to approve the item. (Time: 2:10 p.m.)

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

COURT ORDER NO. 2015-968-12-14

5. **AI-40939** Deem Halff Associates as the most qualified engineering firm to develop plans, specifications, and estimates for the Dallas North Tollway (DNT) western, south bound service road from US Highway 380 to FM 428 and further authorize scope and fee negotiations for same, Engineering.

COURT ORDER NO. 2015-969-12-14

6. **AI-40940** Adoption of the New Hire Pre-Approval Policy, Human Resources.

COURT ORDER NO. 2015-970-12-14

7. **AI-40938** FY 2016 Collin County Compensation Plan, Human Resources.

COURT ORDER NO. 2015-971-12-14

8. **AI-40889** Acceptance of 1,435 cubic yards of asphalt road millings from the Texas Department of Transportation under the TxDOT County Assistance Program (CAP), Public Works.

COURT ORDER NO. 2015-972-12-14

9. **AI-40915** Acceptance of a rebate check in the amount of \$12,818.08 for participation in The Local Government Purchasing Cooperative and BuyBoard program and budget amendment for same, Purchasing.

COURT ORDER NO. 2015-973-12-14

10. **AI-40934** Acceptance of the Internet Crimes Against Children (ICAC) Grant supplemental funding with the City of Dallas to increase the funds provided by \$18,000 and extend the grant period through and including June 30, 2016, Sheriff.

COURT ORDER NO. 2015-974-12-14

11. **AI-40885** Acceptance of all eligible Farm Museum artifacts as property of Collin County, Special Projects.

Judge Self pulled this item because it did not show what type of acquisition this was and asked if there were any restrictions on the items that the Court will accept. Judy Florence, Myers Park, came forward and explained the artifacts listed were found in their inventory. Ms. Florence introduced Jennifer Rogers, Farm Museum Coordinator, who explained there are loaners but they are not on the list. The original owners were contacted and the items were either converted to donations or they came and picked up their items. This list represents the museum's permanent collection. With no further discussion, a motion was made to approve the item. (Time: 2:12 p.m.)

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

COURT ORDER NO. 2015-975-12-14

12. **AI-40812** Adoption of the Collin County Farm Museum Collections Management Manual, Special Projects.

COURT ORDER NO. 2015-976-12-14

13. **AI-40952** Personnel Appointments, Human Resources.

COURT ORDER NO. 2015-977-12-14

14. **AI-40954** Personnel Changes, Human Resources.

COURT ORDER NO. 2015-978-12-14

GENERAL DISCUSSION

5. **AI-40888** Procedures for plat revision for the replat of Lavon Hills Lots 81B1 and 81B2 per Local Government Code 232.041, Engineering.

Clarence Daugherty, Engineering, said he is not asking for Court approval on this but rather for guidance on handling public notifications. If the revision or re-plat is not of public interest, neighbors within 200 feet are notified and it is put on the website. If it is of public interest, a notice is placed in a newspaper and certified letters are sent to all owners in the subdivision. Actions that cause more demands on a school, park or roadway would be of public interest. Commissioner Williams said approving a plat is a ministerial action and, if it meets the requirements of the subdivision ordinance, the Court has no option other than to approve it. Mr. Daugherty wants to clarify how to handle the notifications. A lengthy conversation regarding notifications ensued. Mr. Daugherty will move forward with this item and then engage an attorney to look at it in a more general scale. (Time: 2:31 p.m.)

NO ACTION TAKEN

6. AI-40930 Budget amendment in the amount of \$3,966,834 to correct negative cash and replenish fund balance to \$2,000,000 for the Employee Health Insurance Fund, Auditor.

Jeff May, Auditor, said claims are paid once a week and last week a claim came through for \$730,000 which is twice the average claim amount. The fund balance went negative in November. Mr. May proposed transferring \$2.9 million into the insurance fund. These funds will come from all of the departments' payroll funds and will require a budget amendment. There was also \$1 million taken from the County Insurance Fund and \$600,000 from the Workers' Comp Insurance Fund. Both of these have had excess fund balances over the prior years.

Monika Arris, Budget, said the amount taken from each department was allocated based on the number of employees in that department so it is proportional. Every payroll department was impacted by this. It needed to be done this way for the CAFR (Comprehensive Annual Financial Report) report. Commissioner Webb asked how much is expected to come back in and will it go into the Insurance Fund from the stop loss payments. Cynthia Jacobson, Human Resources, said they are expecting approximately \$1.6 million back and \$300,000 has already come through. This money will go into the Insurance Fund.

Commissioner Webb said the Auditor should have informed the Court of this during budget and would like it monitored better. Mr. May said that will be done from here on out. This does not touch the FY2016 budget and is only cleaning up for CAFR. With no further comments, a motion was made to approve the Auditor's recommendations to shore up the Health Insurance Fund. (Time: 2:48 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2015-979-12-14

7. AI-40897 Budget adjustment(s)/amendment(s) totaling \$1,190,183 (over \$5,000 per c/o 2005-589-08-01), Budget.

Monika Arris, Budget, said this is the annual budget cleanup of any negative categories in FY2015 for the publishing of the budget book and reporting of the CAFR. With no further discussion, a motion was made to approve the item. (Time: 2:54 p.m.)

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

COURT ORDER NO. 2015-980-12-14

8. AI-40955 Board/Committee Appointments, Commissioners Court:

a. Child Protective Services Board.

A motion was made to appoint Joy Flavill to the CPS (Child Protective Services) Board.

Motion by: Commissioner Chris Hill

Second by: Commissioner Duncan Webb

Vote: 5 – 0 Passed

COURT ORDER NO. 2015-981-12-14

9. AI-36908 Continued TAPS operations in Collin County, Commissioner, Precinct 3.

Commissioner Hill said, when he took over as Chairman of TAPS (Texoma Area Paratransit System), his goal was to cut expenses as quickly as possible and increase reimbursements coming to the agency from the funding partners. At the last meeting he stepped down as Chairman and off the board completely, and made it known that he would recommend Commissioners' Court move in a new direction for a rural transit provider. The reason for this was the Commissioner learned the TAPS staff had not cut expenses as he had asked, and was still not making payroll or paying their bills. Furthermore, debt went up since September by half a million dollars. On the reimbursement side, we were having trouble with funding partners because they too realized the agency had failed. TxDOT (Texas Department of Transportation) sent a letter to TAPS saying that they may be requesting repayment of \$1.7 million because the agency had not kept proper records for reimbursement. In some cases they hadn't even spent the money they were trying to get reimbursed for.

Commissioner Hill recommends that the Court pull back its designation of TAPS as the rural transit district and formally appeal to TxDOT and NCTCOG (North Central Texas Council of Governments) for their consultation and advice. They have indicated they will be happy to help the County as we look for solutions and have asked for a formal resolution giving them the opportunity to do so.

Commissioner Webb said there was an action item on the RTC (Regional Transportation Council) agenda to approve contingency emergency supplement transit options for TAPS service for people within Collin County cities excluding McKinney; the McKinney Urban areas; the rural areas of Collin County; and the rural areas of Wise County. It was a lengthy and intense discussion with many questions and answers. The \$700,000 contingency emergency supplement was approved by a vote of 43–1. Commissioner Webb was the one vote against it because he was not happy with the concept of how they wanted to allocate the funds. It is the Commissioner's understanding that STAR Transit out of Rockwall and DART (Dallas Area Rapid Transit) are in the process of submitting proposals to provide these services. DCTA (Denton County Transportation Authority) will provide services in Frisco.

Commissioner Hill said Jessie Huddleston, NCTCOG, wanted to know if it's the Court's intention to be done with transit or are we still looking for solutions for our community. Her advice was to make it known that we are asking for assistance and are moving forward. Commissioner Webb said the south Collin County metro area as well as the McKinney urban area is a COG responsibility - not the County's responsibility and the funding comes from TxDOT. The City of McKinney is doing an analysis and Commissioner Webb suggested finding out where they are heading and possibly piggy backing off of them. Judge Self said it is the Court's responsibility to designate the rural provider but it would be wise to let the cities decide. Commissioner Hill said in our rural district TxDOT is the primary funding agency.

Cynthia Zinn, DaVita Dialysis in McKinney, came forward with a public comment. Ms. Zinn wanted to express the impact the public transportation system shutdown has had on dialysis patients and to request the Court's urgent assistance. Patients require these life-saving dialysis treatments every other day. There are 15 patients at her clinic alone that require public transportation to receive these treatments. Of these patients ten are senior citizens, three are blind and one is in a wheelchair. These are some of the most vulnerable people in our population. They are now paying \$400 per month for a taxi compared to the \$40 per month previously for public transportation. Ms. Zinn described some of the hardships experienced by these patients since the shutdown.

Judge Self said the \$700,000 approved by the RTC will be for these types of people who need it the most. Commissioner Webb will let Ms. Zinn know who to contact in order to get transportation for these patients. With no further discussion, a motion was made to withdraw the Commissioners' Court designation of TAPS as the Collin County rural transit district, and requests partnership and assistance from TxDOT and NCTCOG for continuing rural transit services in Collin County pursuant to state law. (Time: 3:13 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2015-982-12-14

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

Commissioner Webb said we approved the continuation of the General Electric Test Track Funding Proposal. This is a railroad test track and up to \$3 million in funding will be provided by Denton County and the City of Fort Worth.

Next the federal government approved a new five-year transportation funding bill that provides a 5% increase in funding from the current funds from the first year. This increases transit funding the first year by 8%. Also approved was a second and final installment of the MPO (Metropolitan Planning Organization) Revolver Fund with the city of Dallas and Dallas County.

Lastly, Mobility 2040 was approved to go public. Meetings will start in December and it will be an action item in March 2016. The Commissioner was able to add corridor studies of US380, SH78 and FM1378. Judge Self said the Dallas metroplex has already started pushing to get the entire 5% increase in funding. Commissioner Webb said this plan is amended every two years and he hopes Collin County has more lines on the map in order to start pushing for more funding. (Time: 3:18 p.m.)

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 3:45 p.m. in accordance with Chapter 551.074, Personnel to discuss the Homeland Security Director.

Personnel (551.074)

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

AI-40911 Homeland Security Director, Administrative Services.

NO ACTION TAKEN

Judge Self reconvened the meeting at 4:46 p.m. With no further business of the Court, the meeting was adjourned at 4:46 p.m.



Keith Self, County Judge

Susan Fletcher, 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