

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
JUNE 4, 2018

On Monday, June 4, 2018, 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 John Thomas, Precinct 3
Commissioner Duncan Webb, Precinct 4

Judge Self led the Invocation.
Commissioner Fletcher the Pledge of Allegiance.
Commissioner Williams led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 6:00 p.m. and recessed the meeting at 6:42 p.m. The meeting was reconvened and immediately recessed into Executive Session at 6:43 p.m. The meeting was reconvened and adjourned at 7:15 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 6:42 p.m. and adjourned the meeting at 6:43 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 6:43 p.m. and adjourned the meeting at 6:43 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-44932 Donation of \$6,500 to the Children's Advocacy Center of Collin County (CACCC) utilizing the District Attorney State Forfeiture Fund and budget amendment for same, District Attorney.

2. AI-44934 Donation of \$2,500 to Emily's Place utilizing the District Attorney State Forfeiture Fund and budget amendment for same, District Attorney.

3. AI-44933 Donation of \$2,000 to Hope's Door utilizing the District Attorney State Forfeiture Fund and budget amendment for same, District Attorney.

4. AI-44971 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. **AI-44884** P-Card Disbursements, Auditor.

3. Change Order(s):

a. **AI-44894** No. 1 to Construction, Myers Park Hardscape Improvements (IFB No. 2018-042) with North Rock Construction, LLC to add various items to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

b. **AI-44895** No. 1 to Construction, Collin County Adventure Camp Trail Rehabilitation (IFB No. 2017-273) with Denco CS Corp. to change the gravel to a 50/50 mix of 3/8" minus crushed concrete and 3/8" with fine crushed concrete for the top cap of each trail type, Construction & Projects.

4. **AI-44937** Voluntary Terminations, Human Resources.

5. **AI-44938** Turnover, Human Resources.

6. **AI-44803** County overtime for the pay period ended May 20, 2018, Human Resources.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Self pulled item 4I5 and asked for comments on the remainder of the consent agenda. Commissioner Webb pulled items 4f1 and 4I5. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 6:10 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

a. **AI-44887** Disbursements for the period ending May 22, 2018, Auditor.

COURT ORDER NO. 2018-416-06-04

b. **AI-44888** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2018-417-06-04

c. **AI-44806** Tax refunds totaling \$1,238,030.39, Tax Assessor/Collector.

COURT ORDER NO. 2018-418-06-04

d. Advertisement(s):

1. **AI-44913** Construction, Collin County Aggregate Rinse Stations (IFB No. 2018-269), Construction & Projects.

COURT ORDER NO. 2018-419-06-04

e. Award(s):

1. **AI-44697** Construction, Collin County Adult Detention Center Generator After-Market Emissions Control (IFB No. 2018-117) to Watson Nunnally, LLC and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

COURT ORDER NO. 2018-420-06-04

f. Agreement(s):

1. **AI-44945** Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives for reimbursement of overtime salary costs associated with the ATF Task Force, Sheriff.

Commissioner Webb pulled this item to confirm the purchase of the equipment would not result in the equipment being included on the refresh list. Jeff May, County Auditor, confirmed the equipment will not be part of the refresh list. With no further discussion, a motion was made to approve the item. (Time: 6:11 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fetcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2018-421-06-04

g. Amendment(s):

1. **AI-44864** No. 2 to Professional Services, Psychological Assessment (Agreement No. 2015-227) with Kristi Compton Ph.D., PC to replace Exhibit "A" Scope of Services to reflect revisions to the fees, extend the contract through and including September 30, 2019 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2018-422-06-04

h. Contract Renewal(s):

1. **AI-44939** Professional Services, Mechanical, Electrical, and Plumbing (MEP) Engineering (RFQ No. 2017-246) with MD Engineering, LP, LLP to extend the contract for one (1) year through and including September 30, 2019, Construction & Projects.

COURT ORDER NO. 2018-423-06-04

2. **AI-44924** Parking Lot Striping (IFB No. 2016-330) with NTS Contractors, LLC to extend the contract for one (1) year through and including September 30, 2019, Facilities.

COURT ORDER NO. 2018-424-06-04

3. **AI-44936** Online Auctioneering Services (RFP No. 2016-302) with Rene' Bates Auctioneers, Inc. to extend the contract for one (1) year through and including September 30, 2019, Purchasing.

COURT ORDER NO. 2018-425-06-04

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

1. **AI-44949** \$1,500 for Technology Education and Conference, Justice of the Peace, Precinct 3-1.

COURT ORDER NO. 2018-426-06-04

j. Receive and File, Auditor:

1. **AI-44902** Monthly Financial Reports for March 2018.

COURT ORDER NO. 2018-427-06-04

2. Final Audit Result(s):

a. **AI-44867** Justice of the Peace, Precinct 2 (3rd and 4th Quarter FY2016).

COURT ORDER NO. 2018-428-06-04

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

1. **AI-44899** May 7, 2018.

COURT ORDER NO. 2018-429-06-04

2. **AI-44943** May 14, 2018.

COURT ORDER NO. 2018-430-06-04

l. Miscellaneous

1. **AI-44912** Reject the bid received for Construction, Collin County Aggregate Rinse Stations (IFB No. 2018-147), Construction & Projects.

COURT ORDER NO. 2018-431-06-04

2. **AI-44940** Sale of property located at 203 and 202 E. Erwin Avenue, McKinney, Texas (Tract 44, Block 3, William Davis Survey, Volume 1252, Page 721) and (Lot 3, Webb Addition, Volume 2288, Page 592) as recorded in the Collin County Deed Records to Glen Killian upon the payment of \$77,500, County Judge.

COURT ORDER NO. 2018-432-06-04

3. **AI-44906** Re-plat of Lot 32/36RR of The Hills of Lone Star Subdivision, Engineering.
COURT ORDER NO. 2018-433-06-04

4. **AI-44970** Personnel Appointments, Human Resources.
COURT ORDER NO. 2018-434-06-04

5. **AI-44972** Personnel Changes, Human Resources.

Judge Self and Commissioner Webb pulled this item to discuss a request for an exception from policy for an employee in JP (Justice of the Peace), Precinct 3-2. Cynthia Jacobson, Human Resources, said the individual was a Legal Clerk II in JP 3-2 and made a lateral transfer to a Clerk I in the District Clerk's Office, but has now decided to return to JP 3-2. However, the Legal Clerk II position is no longer available. A Legal Clerk I position is available which, under policy, would be a 5% decrease in pay due to moving from a higher paygrade to a lower paygrade. The request is for the individual's compensation to not be decreased. There was a brief discussion on setting precedence by approving the exception.

Judge John Payton, JP 3-2, came forward to discuss the request. He believes the conditions are right to make the exception and precedence will not be set. When the individual moved to the District Clerk's Office her salary of \$36,924 did not increase. The salary adjustment came with the County's wage adjustment in January which is when she transferred. Because of the reduction in staff that was made by creating a clerk position at the jail, the Legal Clerk I and Legal Clerk II positions have become blended in job duties. The individual brings seven years of experience back to JP 3-2. Along with the mastery of Odyssey, the budget process, deposits and the criminal aspect of the court. She is also a state board certified Justice Court Clerk and will graduate next fall from Texas Woman's University. Judge Payton said the \$36,924 does not take her out of the pay range for a Legal Clerk I because the top of the pay range is \$10,000 higher.

Judge Self asked how much experience the current Legal Clerk II has. Judge Payton said she only has four months in the position. Judge Self questioned why this person with less experience wouldn't be moved down to the Legal Clerk I position and the person with more experience moved back to the Legal Clerk II position. Movement within the County occurs all the time. These are the employees' choices. Sometimes it works out and sometimes it doesn't. Approving the request will set a precedent because what is said in Commissioners' Court is watched very carefully by the employee base. The Judge said there is a management option to consider. Judge Payton will look into the option.

Commissioner Thomas said he does not like the solution of moving the newly hired Legal Clerk II down to a Legal Clerk I in order to rehire the more experienced individual in the Legal Clerk II position. He said Judge Payton has fulfilled every requirement the Commissioner has to approve the exception. The County should be trying to hire and retain talent; therefore, he supports the request.

Commissioner Fletcher said the County has had many discussions about recruiting and retaining talent. The most the County has done is bring someone in at the midrange of the salary. She looks at this situation as retaining a good employee; therefore, the most she would be comfortable with is bringing the person in at the midrange of the salary hired into because of her experience. Ms. Jacobson said the midrange salary for a Legal Clerk I is \$36,000.

Commissioner Williams said the Court has to guard against people gaming the system. There have been many examples in the past of this occurring. She said there is an option available for Judge Payton to consider.

Ms. Jacobson said if a person moves from a Clerk I to a Clerk II position there will be a 5% pay increase. Therefore, if this person comes in at the Legal Clerk I position and the Legal Clerk II position opens up at a later time she would receive a 5% increase. As for the Legal Clerk II being demoted to a Legal Clerk I there would be a 5% pay decrease. Discussion continued.

Commissioner Webb asked if the request could be approved with the condition the individual would not receive a 5% pay increase if she is promoted to a Clerk II within a short period of time. Ms. Jacobson said all promotions come to the Court for approval, but there is not a way to flag her in the system. Memory of the Court would be relied on at that point. The Court could disapprove the increase if the situation does occur.

The Court did not vote on the request and directed Judge Payton to explore the other option presented.

A motion was made to approve the remaining personnel changes under item 4I5.
(Time: 6:40 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2018-435-06-04

GENERAL DISCUSSION

5. AI-44853 Public Hearing – Re-plat of Lots 13A and 13B of the Golden Acres Subdivision, Engineering.

Tracy Homfeld, Engineering, came forward to request a Public Hearing for the replat of Lots 13A and 13B of the Golden Acres Subdivision. Judge Self opened the public hearing at 6:41 p.m. and asked for comments. Hearing no comments, Judge Self closed the public hearing at 6:41 p.m. A motion was made to approve the item. (Time: 6:42 p.m.)

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

COURT ORDER NO. 2018-436-06-04

6. AI-44911 Budget amendment in the amount of \$175,000 from the Judicial Appellate fund for the expansion and renovation of the 5th District Court of Appeals Facility in Dallas County, Auditor.

Judge Self welcomed Chief Justice Carolyn Wright, 5th District of Texas Court of Appeals, to Commissioners' Court.

Chief Justice Wright came forward to request approval to release \$175,000 from the Judicial Appellate Fee Fund to pay to Dallas County to help fund the \$830,000 expansion and renovation of the 5th District Court of Appeals facility. The \$175,000 will be used to install and update telecommunication and IT equipment. The 5th District Court of Appeals has occupied the same space for over 30 years with a growing number of justices, lawyers, clerks and staff. Dallas County has committed to completing the first portion of the renovation in 120 days. Chief Justice Wright said she will not ask for the actual release of funds until Dallas County has complied with all of the renovation agreements. A motion was made to approve the budget amendment in the amount of \$175,000 for the expansion and renovation of the 5th District Court of Appeals facility, not to be released until direction is received from Chief Justice Wright. (Time: 6:10 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2018-437-06-04

7. AI-44897 Access Agreement with Big Fish Entertainment for "Untitled Night Court Project", Justice of the Peace, Precinct 1.

PULLED

8. AI-44960 Board/Committee Appointments, Commissioners Court:

a. Child Protective Services Board.

A motion was made to appoint Jane White to the CPS (Child Protective Services) Board.
(Time: 6:42 p.m.)

Motion by: Commissioner John Thomas
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2018-438-06-04

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

Judge Self recessed the meeting at 6:42 p.m. and called to order the meeting of the Collin County Health Care Foundation and Collin County Toll Road Authority. Judge Self reconvened the meeting at 6:43 p.m.

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 6:43 p.m. under paragraph 551.071, Legal to discuss three subjects: Case No. 401-03649-2015 The City of McKinney, Texas, vs. Custer Storage Center, LLC; Suzanne H. Wooten vs. John Roach, Sr., Christopher Milner, Collin County, Texas, Gregory Abbott, and Harry Eugene White Cause No. 4:18-cv-00380; and the Securus contract Master Services Agreement (A002136) – Inmate Telephone System.

Judge Self reconvened the meeting at 7:15 p.m.

Legal (551.071)

AI-44935 Case No. 401-03649-2015 The City of McKinney, Texas, vs. Custer Storage Center, LLC, Commissioners Court.

NO ACTION TAKEN

AI-44965 Suzanne H. Wooten v. John Roach, Sr., Christopher Milner, Collin County, Texas, Gregory Abbott, and Harry Eugene White Cause No. 4:18-cv-00380, Commissioners Court.

NO ACTION TAKEN

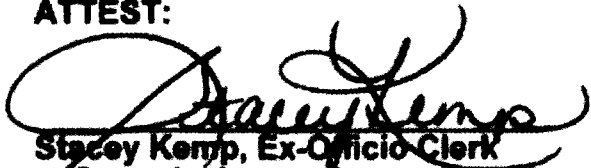
AI-44985 Securus contract Master Services Agreement (A002136) - Inmate Telephone System, Commissioners Court.


NO ACTION TAKEN

There being no further business of the Court, Judge Self adjourned the meeting at 7:15 p.m.



ATTEST:


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



Keith Self, County Judge



Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



John B. Thomas, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4