

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 3, 2017

COUNTY OF COLLIN

On Monday, April 3, 2017, 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 Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Susan Fletcher, Precinct 1

Judge Self led the Invocation.
Commissioner Hill led 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 1:30 p.m. and recessed the meeting at 2:34 p.m. The meeting was reconvened and adjourned at 3:02 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:35 p.m. and adjourned the meeting at 2:35 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:35 p.m. and adjourned the meeting at 2:35 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-42962 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-42915 P-Card Disbursements, Auditor.

3. AI-42948 Voluntary Terminations, Human Resources.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-42952** Proclamation recognizing April 2 – 8, 2017 as National Crime Victims Week, District Attorney.

Judge Greg Willis, District Attorney, and Commissioners' Court joined in recognizing crime victims throughout the community and issued a joint proclamation recognizing April 2 – 8, 2017 as National Crime Victims' Rights Week. (Time: 1:36 p.m.)

4. **Consent agenda to approve:** Judge Self pulled item 4g1 and then asked for comments on the consent agenda. Commissioner Williams pulled item 4b; Commissioner Hill pulled item 4j1; and Commissioner Webb pulled item 4d1. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:37 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 4 - 0 Passed

a. **AI-42931** Disbursements for the period ending March 28, 2017, Auditor.

COURT ORDER NO. 2017-229-04-03

b. **AI-42967** Indigent Defense Disbursements, Auditor.

Michael Shaunessy, Attorney, came forward to address the Court. Mr. Shaunessy represents Jeff May, Auditor, with regard to the Auditor's responsibilities and abilities under the constitution and applicable statutes to make a determination relative to whether the Commissioners' Court should pay an indigent defense payment request pursuant to a court order. If Commissioners' Court is going to refuse to pay fees awarded to an attorney for representing an indigent party, the Commissioners' Court must either determine on its own that the award is unreasonable, arbitrary or capricious as to constitute an abuse of discretion, or take some action to challenge the order awarding the fees. The Auditor does not have the authority to say he will not present an invoice to Commissioners' Court for payment.

Commissioner Williams said the Court has never suggested the Auditor not present items for payment which have been signed by the courts. Commissioners' Court is trying to easily identify how those awards meet the plan and is not asking for information that would identify a person or a case. Mr. Shaunessy said they are working to get that information more easily and efficiently. Commissioner Hill's comments mirrored those of Commissioner Williams. A lengthy conversation ensued.

Judge Self said Commissioners' Court and district and county judges operate under state law so neither holds absolute power. The Court simply wants to know before it pays a bill

that it meets state law and the rules. Mr. Shaunessy said the Auditor is stuck in the middle, and he is trying to understand the demands on both sides and facilitate the process. The Judge suggested telling the lawyers to indicate what they are billing for and how it meets the plan.

Commissioner Webb said he has no issue as long as the judges indicate when they grant a discretionary bonus under §4 outside of the adopted Indigent Plan Fee Schedule and note that on their order. The Commissioner said the Court has to rely on the judges with regard to juvenile criminal cases since those are sealed. Commissioner Williams disagreed because the Court is merely asking for a notation regarding the charges per hour on the case as opposed to information on the sealed case. There was a lengthy conversation regarding the Auditor's ability to interpret the invoices. Mr. Shaunessy said the Auditor has worked with the Court enough that he is identifying the invoices that are obvious and will reach out to the district judges for those that are not. Commissioner Williams feels the Auditor is at a disadvantage because he is not getting clear information from the judges. Commissioner Hill is confident in the goodwill of the Auditor and the judges and that they will work together on this issue.

Mr. May updated the Court on the four disbursements on page 182 of the Court Packet that had been held for clarification. The payment to the Law Office of Mito Gonzalez for \$800 was reduced to \$450 by Judge Rippel to fit within the plan. The check to Meghan Miller was deleted because it was approved on a previous Court. Mr. May has not yet received a revised order from the judge regarding the check to Christopher Routt. Lastly, the payment to Wesley David Spencer for \$1,450 was reduced to \$1,000. After Mr. May and Commissioners Williams and Hill reviewed this, it was determined to be correct. With no further comments, a motion was made to delete check 453216, approve checks 452591 and 453665 and hold check 453214 for further explanation from the judge. (Time: 2:06 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

Commissioner Williams recommended holding three items from the current disbursements. The first was check 452965 on page 194 to the Law Office of Michael G. Diaz PC for \$2,000. A motion was made to pay the \$1,000 on this invoice and hold the \$675 and \$325 payments for further clarification from the judge. The Auditor will need to recut the check. (Time: 2:08 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

Next was check 452958 on page 195 of the Court Packet to Leah Mleziva in the amount of \$2,200. A motion was made to pay the \$450 charge and hold the \$1,750 charge pending the judge's explanation. (Time: 2:08 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

The last item was check 452880 on page 200 for \$2,000. A motion was made to pay the \$550, \$500 and \$250 charges and hold the \$450 charge and the first \$250 charge. (Time: 2:10 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

With no further comments, a motion was made to approve the remainder of the disbursements. (Time: 2:10 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-230-04-03

c. Advertisement(s):

1. **AI-42950** Concrete Joint and Crack Repairs at Various County Buildings (IFB No. 2017-173), Facilities.

COURT ORDER NO. 2017-231-04-03

2. **AI-42924** Uniforms: Honor Guard (IFB No. 2017-175), Sheriff.

COURT ORDER NO. 2017-232-04-03

d. Award(s):

1. **AI-42925** Mowing, Various County Locations (IFB No. 2017-082) to C&M Mowing and Landscaping, Special Projects.

Commissioner Webb pulled this item because the write up mentions an exception but does not specify what the exception is. Dan James, Facilities, explained the vendor made the comment that he was going to mow the property with a zero turn mower. Due to the rough terrain in some areas, it is the opinion of Facilities Maintenance that not all areas can be mowed with a zero turn mower but may require a tractor and/or bat wing mower. The vendor clarified, if he cannot mow those areas with a zero turn mower, he does have the ability to use a tractor. With no further comments, a motion was made to approve the item. (Time: 2:12 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-233-04-03

e. Agreement(s):

1. **AI-42893** Interlocal Agreement with the City of Frisco for the construction of Legacy Drive from SH 121 to Warren Parkway (Bond Project No. 07-116) and budget amendment in the amount of \$4,431,000 for same. County participation NTE \$4,431,000, Engineering.

COURT ORDER NO. 2017-234-04-03

2. **AI-42929** Consent to Assignment and Assumption of Contracts for Professional Service, Attorney, Law Library Form Review (Agreement No. 2015-074) to change the name from Michelle Warmbrodt, PLLC to Michelle Ray and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2017-235-04-03

3. **AI-42928** Consent to Assignment and Assumption of Contracts for Professional Services, General Landscape Architectural Services for County Buildings and Property (RFQ No. 2017-064) to change the name from David C. Baldwin Inc. Landscape Architecture & Planning to David C. Baldwin Inc. DBA DCBA Landscape Architecture and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2017-236-04-03

4. **AI-42922** 2017 Lake Patrol Contract with the US Army Corps of Engineers, Forth Worth District to provide additional patrol of Lake Lavon from May 19, 2017 through and including September 5, 2017, Sheriff.

COURT ORDER NO. 2017-237-04-03

f. Contract Renewal(s):

1. **AI-42913** Professional Service, Law Library Forms Review (Agreement No. 2015-074) with Michelle Ray to extend the contract for the period April 1, 2017 through and including September 30, 2017, Law Library.

COURT ORDER NO. 2017-238-04-03

g. Ratification of the County Judge's prior approval:

1. **AI-42959** County overtime for the pay period ended March 26, 2017, Human Resources.

Judge Self pulled this item and asked Cynthia Jacobson, Human Resources, for a brief update regarding the overtime. Ms. Jacobson explained a majority of the overtime was related to housing and some deputy sheriffs. This has been addressed with the Sheriff's Office. Since the press release, there has been a remarkable increase in applications. The overtime should start going down once the new hires complete their training. The Judge would like to keep this item on the Court agenda to watch the progress. With no further comments, a motion was made to approve the item. (Time: 2:15 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-239-04-03

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

1. **AI-42930** \$700 to reallocate funds to cover the expenses for supplemental training pay, Sheriff.

COURT ORDER NO. 2017-240-04-03

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

1. **AI-42938** March 13, 2017.

COURT ORDER NO. 2017-241-04-03

j. Miscellaneous

1. **AI-42704** Final Plat for the Trails of Blue Ridge Phase II Subdivision, Engineering.

Commissioner Hill pulled this item in order to have a separate vote. With no further comments, a motion was made to approve the item. (Time: 2:15 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 3 – 1 Passed
Nay: Commissioner Duncan Webb

COURT ORDER NO. 2017-242-04-03

2. **AI-42963** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-243-04-03

3. **AI-42964** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-244-04-03

GENERAL DISCUSSION

5. **AI-42955** Collin County Adventure Camp annual update, Administrative Services.

Neil Rosenbaum, Executive Director of the Collin County Adventure Camp, came forward with a PowerPoint presentation explaining the mission and programs available at the camp. These include Outdoor Education, Adventure Guide Programs, Retreats, and Scouting programs, a YMCA Day Camp, Family Camp, Community Days and a Resident Camp for the children of Collin County.

Over 27,000 people came to the facility last year. Outdoor Education has been the biggest percentage of revenue over the past ten years with over 13,000 children last year. The conference and retreat business has been slowly increasing. The summer day camp program has grown from approximately 530 children two years ago to 800 last year. They are expecting 1,000 this summer. Outdoor education has always been the primary purpose of the camp with 64% from Collin County schools, 25% from schools outside Collin County and 11% from private and home schools.

The YMCA has made a commitment to provide these programs to children regardless of their ability to pay. Last year \$173,414 in scholarships was provided to schools, groups and individual families. Funds raised through community support totaled \$21,070 with the balance of \$150,000 coming from the camp's operations funds. (Time: 2:23 p.m.)

NO ACTION TAKEN

6. **AI-42956** Installation of a Giant Swing to be located adjacent to the Zipline at the Collin County Adventure Camp, Administrative Services.

Neil Rosenbaum, Executive Director of the Collin County Adventure Camp, said a request was submitted to Commissioners' Court to build a giant pendulum swing to be paid for by the YMCA. This would be built in conjunction with the zip line tower at the camp.

Judge Self said there is \$6,000 in advertising for a waste water permit and asked if that could be moved to internet websites. Mr. Rosenbaum said he is required by TCEQ (Texas Commission on Environmental Quality) to post this in the newspapers with the biggest circulation in the County. Therefore, Mr. Rosenbaum was required to post this with the Dallas Morning News. The Judge would like to find out if internet websites could be used.

Commissioner Webb asked how the \$2.3 million in revenues for 2016 compared to previous years. Mr. Rosenbaum said revenues have gone up \$100,000 each year for the past two years, and 2016 has been their biggest year since the camp was opened. With no further discussion, a motion was made to approve the item. (Time: 2:27 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-245-04-03

7. **AI-42957** Balances in the Texas Commission on Environment Quality (TCEQ) AirCheckTexas Repair & Replacement Assistance Program, County Judge.

Judge Self explained this is the LIRAP (Low-Income Repair Assistance Program) Program which the Court has discussed for three years. From 12/1/2016 through 2/29/17 only \$339,000 of the \$7,777,205 collected has been spent. Citizens are charged \$6 each time their vehicle is inspected, and we are still not spending much of the money. The Judge would like to address this again at the end of the fiscal year during budget. (Time: 2:30 p.m.)

NO ACTION TAKEN

8. **AI-42986** Board/Committee Appointments, Commissioners Court:

a. **Planning Board.**

Commissioner Williams made a motion to appoint Steve Terrell to the Planning Board.
(Time: 2:30 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-246-04-03

9. AI-38983 North Central Texas Council of Governments (NCTCOG) Executive Board monthly update, County Judge.

Judge Self updated the Court on the last monthly meeting of the NCTCOG (North Central Texas Council of Governments) Executive Board meeting. The first item of interest was a resolution authorizing an agreement between DART (Dallas Area Rapid Transit) and the COG to assist DART with TRIP (Transit Related Improvement Program). DART will provide \$20 million in local dollars to COG, and the COG will give DART the same in federal dollars. Commissioner Webb said federal funds have substantially more restrictions, and exchanging federal funds for local funds would give more flexibility in using those funds.

The next item of interest was a resolution authorizing grant applications to the DOE (Department of Energy) funding projects that accelerate the deployment and adoption of sustainable transportation technologies including electric vehicles and alternative fuels. The Judge stated that Texas will eventually become one of the largest oil producers in the world, and this resolution will expand the use of electric cars. Judge Self asked Commissioner Webb to ask about this at the next RTC (Regional Transportation Council) meeting. (Time: 2:33 p.m.)

NO ACTION TAKEN

10. AI-42580 85th Legislative Agenda for 2017, Commissioners Court.

a. AI-42824 SB 292 Creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

Commissioner Williams spoke with the Texas Council last week, and there is a house bill that is a companion to SB 292 and the Council is working out some differences so the bills would mirror each other. The Commissioner explained this would be a grant application. (Time: 2:34 p.m.)

HELD

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

Judge Self asked to have building permits in the ETJ (Extraterritorial Jurisdiction) put on next week's agenda. (Time: 2:34 p.m.)

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:34 p.m. in accordance with Chapter 551.071, Legal to discuss the Collin County Felony Indigent Defense Plan and Texas Local Government Code §74.093.

Judge Self reconvened Commissioners' Court at 3:02 p.m.

Legal (551.071)

AI-42712 Collin County Felony Indigent Defense Plan and Texas Local Government Code Sec. 74.093, Commissioners Court.

NO ACTION TAKEN

With no further business of the Court, Judge Self adjourned the meeting at 3:02 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