

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 23, 2012

COUNTY OF COLLIN

On Monday, April 23, 2012, 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 Matt Shaheen, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Joe Jaynes, Precinct 3

Commissioner Duncan Webb, Precinct 4

Commissioner Shaheen led the Invocation.

Commissioner Williams led the Pledge of Allegiance.

Commissioner Jaynes 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 into the meeting of the Collin County Housing Finance Corporation at 2:07 p.m. The meeting was adjourned at 2:29 p.m. and the meeting of the Commissioners' Court was reconvened.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:43 p.m. and adjourned the meeting at 3:43 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 3:44 p.m. and adjourned the meeting at 3:44 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-35115 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-35093 Change Order No. 5 to Justice Center Domestic Waterline Upgrade (IFB No. 07302-10) with American Mechanical Service to install copper tee and ball valve for inspection test port, Construction & Projects.

Commissioner Webb asked about change order no. 5. Facilities staff was concerned about the water line. The Commissioner asked why we aren't addressing the concerns vs. putting in a pressure valve and a camera. And how much is it going to cost to alleviate the concern? Bill Burke, Project Manager, said at this time we don't know if the concern is an actual problem or not and he explained the issue. Commissioner Webb said the County has spent a lot of money on this water line. If this is a valid concern, the Commissioner wanted to make sure the County has recourse. Commissioner Webb asked Mr. Burke to keep the Court advised. Judge Self was concerned about the 15.67% of the contract, and he asked Bill Bilyeu, Administrative Services, to add that to future agenda items. 15.67% of the contract is too much in change orders. Commissioner Jaynes asked what is normal. Mr. Burke said normally with large projects with the County they keep them below 3%. (Time: 3:22 p.m.)

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

a. AI-35084 \$3,281 to establish the budget for the 2009 State Homeland Security Program (SHSP) Grant for the purchase of a 12-Channel Server under the Mobile Incident Command Post (MICP) project.

b. AI-35042 \$10,000 to establish the budget for the Internet Crimes Against Children (ICAC) Grant funds.

c. AI-35091 \$17,000 to increase the budget for the Homeland Security 2011 UASI-LETPA (Urban Area Security Initiative-Law Enforcement Terrorism Prevention Activity) Grant for the purchase of a Tip 411 Basic web based application.

2. Public Comments.

3. Presentation/Recognition:

District Attorney Greg Willis came forward with a joint proclamation recognizing National Crime Victims' Rights Week, which is April 22nd - 28th, 2012. The District Attorney read the proclamation aloud. (Time: 2:07 p.m.)

Judge Self recessed the meeting of the Commissioners' Court and called to order the meeting of the Collin County Housing Finance Corporation.

a. Service Pins for the month of April, Human Resources.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items FYI 2 4e2a, b and e for discussion. Judge Self deleted 4d1-4 because they were misposted. Judge Self pulled item 4c2. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 3:18 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

a. AI-35105 Disbursements for the period ending April 17, 2012, Auditor.

COURT ORDER NO. 2012-236-04-23

b. Advertisement(s):

1. AI-35094 Furniture, Custom Tables for Courtrooms (RFP No. 04207-12), Purchasing.

COURT ORDER NO. 2012-237-04-23

c. Award(s):

1. AI-35096 Construction, Myers Park Amphitheater and Toilets (IFB No. 09298-11) to Schmoldt Construction, budget amendment in the amount of \$802,700 for same and further authorize the Purchasing Agent to finalize and execute the construction agreement, Construction & Projects.

COURT ORDER NO. 2012-238-04-23

2. AI-35090 Construction, Bridge: County Road 408 over Ticky Creek (IFB No. 01115-12, Bond Project No. 07-108) to Metro-Plex Underground, LP, budget amendment in the amount of \$470,000 and further authorize the Purchasing Agent to finalize and execute the construction agreement, Special Projects.

Judge Self asked Jeff Durham, Special Projects, about the second box. Since it was added, it increased the cost of the project more than the original cost of the bridge. Mr. Durham said they were aware that that was going to happen at the time. They came back with a change order to the engineering contract to increase for the design of the second box. There are two creek channels, and the bridge on the western main tributary had too much capacity and the eastern tributary had water that would still go over the road. So they had to go with two boxes. The savings comes from money left over from the right-of-way acquisition. Judge Self made a motion to approve. (Time: 3:24 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Duncan Webb
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-239-04-23

d. Ratification of the County Administrator's prior approval and signing:

1. **AI-35076** 2009 Grant Adjustment Notice with the Texas Department of Public Safety for the 2009 Homeland Security Grant Program (HSGP) in the amount of \$400,905.46 (\$3,280.46 increase in grant funds), Homeland Security.

HELD

2. **AI-35077** 2009 Grant Adjustment Notice with the Texas Department of Public Safety for the 2009 Homeland Security Grant Program (HSGP) to reflect a decrease in grant funds in the amount of \$10,125.16, Homeland Security.

HELD

3. **AI-35078** 2009 Grant Adjustment Notice with the Texas Department of Public Safety for the 2009 Homeland Security Grant Program (HSGP) to reflect an increase in grant funds in the amount of \$17,000, Homeland Security.

HELD

4. **AI-35083** 2009 Grant Adjustment Notice with the Texas Department of Public Safety for the 2009 Homeland Security Grant Program (HSGP) to extend the grant period through and including May 15, 2012, Homeland Security.

HELD

e. Receive and File, Auditor:

1. **AI-35067** Annual Handheld Inventory (FY2011).

COURT ORDER NO. 2012-240-04-23

2. Final Audit Result(s):

a. **AI-35069** Justice of the Peace, Precinct 2 (1st & 2nd Quarter FY2011).

Commissioner Webb asked for an update on the reconciliation issue for Judge Douglas. Jeff May, County Auditor, said the issue on this was the slow audit reports. Commissioner Webb asked Mr. May if he is satisfied with the response so that this is no longer an issue. Mr. May said they still haven't gotten the reports by the tenth but they received last month's quicker. The Auditor's Office will look at this after the next audit and present the Court with an update in three months. Commissioner Webb made a motion to approve. (Time: 3:26 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-241-04-23

b. **AI-35066** Justice of the Peace, Precinct 4 (2nd & 3rd Quarter FY2011).

COURT ORDER NO. 2012-242-04-23

c. **AI-35075** Constable, Precinct 2 (3rd & 4th Quarter FY2011).

COURT ORDER NO. 2012-243-04-23

d. **AI-35074** Constable, Precinct 3 (3rd & 4th Quarter FY2011).

Item 4e2b was pulled for discussion, but item 4e2d was discussed.

Commissioner Webb asked Mr. May about \$48.50 that the constable was asked to remit. Mr. May stated they have received the money. The money was in the bank account; the constable needed to pay it to Treasury which he has done. Commissioner Webb made a motion to approve. (Time: 3:27 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 – 0 Passed

COURT ORDER NO. 2012-244-04-23

e. **AI-35073** CSCD (3rd & 4th Quarter FY2011).

Commissioner Webb pulled this item to compare his analysis of the audit report that CSCD was making progress and he wanted to know if Mr. May agreed with his analysis of the write up. Mr. May agreed. Commissioner Webb made a motion to approve. (Time: 3:28 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2012-245-04-23

f. **AI-35070** Myers Park (3rd & 4th Quarter FY2011).

COURT ORDER NO. 2012-246-04-23

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

1. **AI-35088** April 2, 2012.

COURT ORDER NO. 2012-247-04-23

g. Miscellaneous

1. AI-35057 Grant application and resolution for the FY2013 Indigent Defense Discretionary Grant through the Texas Indigent Defense Commission and further authorize the County Judge to finalize and execute same, 296th District Court.

Judge John Roach, local administrative judge, came forward to address this item. Judge Roach started by thanking representatives from LifePath, CSCD and the Sheriff's office who were present in the courtroom. The Judge also thanked staff from the District and County courts for their cooperation with the Sheriff's office and other mental health professionals.

The focus of this program is to improve the quality of representation to indigent defendants with mental illnesses and to seek solutions to get and keep mentally ill defendants out of the criminal justice system. Judge Roach noted the Commissioners' Court is focused to the taxpayers of Collin County and how the investment today will help save money and make things more efficient in the county. It's also important to focus on the core function of government which is community safety. When talking about mental illness in the justice system, it's usually for somebody who has been charged with a crime and the question for the criminal justice system is whether that person is competent to stand trial. If they are not, the process ends until that person gains competency. Individuals whose competency is in question remain in county jail until a bed opens up in a state mental hospital. This waiting time is very expensive. Currently 39 inmates with some form of mental illness are in our jail. Additionally there are 16 seriously mentally ill inmates with an Access 1 mental diagnosis. It costs \$200 per day to house a seriously mentally ill inmate vs. an average of \$79 a day for a regular inmate. The increase is due to costs for medication, extra guards, and the general havoc created in the jail facility because of the actions of a mentally ill inmate. In Collin County the average stay of a mentally ill inmate is 430% longer, or 213 days for a mentally ill inmate vs. 49 days for a regular inmate. The cost for the 16 seriously mentally ill inmates currently housed is about \$708,800. Over the past 2.5 years inmates found to be incompetent and waiting to be transported to mental health facilities have cost the taxpayers of Collin County in excess of \$1.9 million. The cost of housing the other 39 mentally ill inmates is about \$350,000.

The benefit of this grant is it will lay the foundation to begin competency restoration in Collin County once we find it to be an issue. Instead of the inmate sitting here in jail waiting to be transferred to the State, we can begin that process. Another pressing issue is the action of a State District Judge in Austin. This Judge was challenged with a case where an inmate who had been housed in Travis County complained that their constitutional rights were violated because they were held in a county jail without trial while waiting to be moved to a mental health facility to restore their competency. The Judge said it is against their constitutional rights to be held without a trial in anticipation of them being sent to a hospital. She ordered that the state provide beds for mentally ill patients all across the State of Texas by June 1st. If they don't, the Judge can either hold the state in contempt or she can release all the mentally ill inmates.

Judge Roach stated that will create another problem. If the District Judge orders the release of all these inmates, what do we do as a community? He thinks there are people waiting to regain competency that don't need to be in the jail system. They can be at home with their family but they can't be released because we have no one to supervise them. Probation cannot monitor them because they haven't been convicted of a crime.

Under this grant we would have a director of this indigent defense program and have a case worker, social worker and support staff to make sure these individuals get the treatment they need to get processed through the criminal justice system. The grant also focuses on attorney representation. This would allow us to create an indigent defense mental health attorney program for attorneys that are specially trained to handle these types of cases in order to move these defendants more effectively through the criminal justice system.

Judge Weldon Copeland spoke next. Judge Copeland said when dealing with mentally ill people, they go down before they come back up. With this program, we should be able to treat people before they deteriorate further. The Judge gave an example of three people who were in the county jail for a total of over 150 days for minor issues. The lawyers representing these three people did not know they were entitled to a personal bond. It cost the county over \$10,000 to house these three people. Judge Copeland said we can't educate 500 attorneys but we can educate a dozen.

Judge Self asked if the intent of the program was to treat them outside of the jail with non-profit organizations. Judge Copeland said yes. Commissioner Jaynes asked if we have the matching funds of almost \$63,000. Monika Arris, Budget, said the grant period is October 1, 2012, through September 30, 2013, so if awarded, it will be put in the 2013 budget. Commissioner Webb wanted to look at it at the end of the year to see if we are making progress.

Commissioner Shaheen asked if this is the right approach. He was interested in taking a look at how we handle mental health cases today and seeing if we're not better off tweaking what we do today rather than putting in a whole new infrastructure with an administrator, case workers and administrative support.

Judge Self asked Chief Randy Clark to approach. He asked why a mentally ill person stays so long in jail before the jail contract identifies them as a mental health patient. Chief Clark said they are identified within a week, but the problem is beyond the control of the Sheriff. As the judges have pointed out, attorneys are appointed that have no experience with mentally ill patients.

Commissioner Shaheen recommended that the Court approve submission of the grant application; they would have to come to Court one more time to accept the funds. The Commissioner wants to get a group together to take a look at what we are doing today and how far off we are from the objectives we are trying to reach. Judge Roach said there are some things we can do without this grant. Discussion followed.

Commissioner Jaynes seconded the motion. Commissioner Shaheen amended his motion to have Judge Copeland head up that group.

Commissioner Jaynes noted Texas ranks 50th in the nation for per capita spending on mental health. Judge Self is optimistic about this grant. He thinks the County will save a lot of money.

Commissioner Shaheen asked Judge Copeland to come back with an interim report. Judge Copeland said he and Judge Roach will come back together. (Time: 2:04 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-248-04-23

2. AI-35108 Acknowledgment of the issuance of the City of Houston Higher Education Finance Corporation Education Revenue Bonds (Cosmo Foundation, Inc.) Series 2012A for financing the construction and equipment of Harmony Schools, further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2012-249-04-23

3. AI-35098 Amend the list for the 2012 tax exemptions for historical structures and/or landmarks to include additional properties, Collin County Historical Commission.

COURT ORDER NO. 2012-250-04-23

4. AI-35085 Payment plan with the City of Lucas for improvements to CR 303 (Aztec Trail), Public Works.

COURT ORDER NO. 2012-251-04-23

5. AI-35113 Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-252-04-23

6. AI-35114 Personnel Changes, Human Resources.

COURT ORDER NO. 2012-253-04-23

GENERAL DISCUSSION

5. AI-35044 Public Hearing – Placement of regulatory signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, requested a public hearing for regulatory signs for a total of 13 roads for all new construction.

Judge Self opened the public hearing and asked for public comments. Hearing none, Judge Self closed the public hearing. Commissioner Jaynes made a motion to approve. (Time: 3:03 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2012-254-04-23

6. AI-35051 Bond presentation, Budget.

Monika Arris, Budget, had a Power Point on the April 2012 Collin County Bond Update. The presentation started with older bond issues prior to 2003. \$1.4 million was budgeted and allocated on various projects. \$1.3 million is remaining on outdoor camp projects and \$76,500 is remaining on road projects. Ms. Arris reviewed tax notes, or short-term debt, from 1996 to 2006. Projects included court imaging, web project, fiber project, VoIP phone system, and currently the ERP and judicial system. Tax notes outstanding projects, \$9.8 million was budgeted and allocated to projects. \$3.6 million was allocated to the ERP/HR project and \$5 million was allocated to CJIS. \$2.3 million is the total in contingency.

Ms. Arris presented a history of the 2003 voter authorization. All bonds authorized in the 2003 election were sold over five years. Outstanding projects were itemized. Of the \$9.2 million budgeted and allocated, \$8.7 million remains on various roads projects, \$172,000 remains in contingency for roads and \$995,000 remains in contingency for open space.

Moving on to the 2007 bond authorization, Ms. Arris said voters approved \$328 million in bonds and she presented a breakdown of how the money was allocated to various cities. Facilities bonds will fund expansion of the new courthouse and juvenile alternative education facility. Expansions of the juvenile detention facility and adult minimum security detention facility have been pushed off. \$17 million was authorized for parks and open space bonds with a plan to issue those over five years. Ms. Arris presented a breakdown by percentage of the funds awarded to various cities within Collin County. The 2007 bond authorization slide showed they started selling bonds in 2008. Projections go out to 2018. Of 2007 money that's currently been sold, \$43.5 million was budgeted and allocated on 2007 projects for various different cities throughout the county.

2012 requested bonds: \$31 million for transportation funding to be spread throughout various cities; \$2.5 million for parks and open space funding for the grant program. \$1.4 million of contingency discussed previously is to be used for Myers Park Amphitheater and the Trail/Bridge placement between the Administration Building and the Courthouse. The meeting with Central Appraisal District was the end of March. The estimated early preliminary appraised value has an increase of 0.4% over last year but the certified estimate is not due until April 30.

The request today is the approval to authorize a bond sale totaling \$33.5 million: \$31 million in road bonds and \$2.5 million in park and open space. Also, approval to authorize advanced refunding on eligible portions of both the 2004 and 2005 unlimited and limited tax issues.

David Medanich, First Southwest, came forward with a presentation entitled Refunding Discussion. Today's presentation was the same as what was presented to the Court last week with a few changes. The first slide showed interest rates going up, but now they've come down. The bonds considered for refunding are both limited and unlimited tax bonds. Mr. Medanich explained the refunding opportunity and a cash flow savings analysis. The rate for the unlimited tax old bonds is about 4.8%. If the Court approves the refunding, the rate for the new bonds is 2.5%. The savings on the unlimited bonds is about \$160,000 per year beginning in 2013. Mr. Medanich said the County's credit is the best you can have. He intends to come back to court on May 14th with a firm transaction. It takes about 30-45 days to go through the attorney general's office.

Judge Self asked for any questions on the refunding. Commissioner Webb had a question on the schedule of the bond sale this year. Judge Self asked for a vote. Commissioner Webb made a motion to approve the refunding. (Time: 2:43 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Joe Jaynes
Vote: 5 – 0 Passed

COURT ORDER NO. 2012-255-04-23

Moving on to a discussion on open space and parks, Commissioner Webb asked if we were to sell an extra \$1 million of open space, would that have a material impact on the tax rate. Ms. Arris said it will increase it slightly. Commissioner Webb said we have parks owned by the county. He would like to see if we will improve them and move them forward. The Commissioner said he is working on a presentation with Jeff Durham about updating Myers Park. He would like to consider authorizing \$3.5 million for open space instead of \$2.5 million. Commissioner Jaynes agreed with Commissioner Webb. He said we've always neglected our own facilities for open space. There was discussion on whether to sell \$2.5 million or \$3.5 million for open space.

Judge Self asked Mr. Medanich to come up with an estimated tax rate if \$1 million was added. The Judge presented a chart which estimated we will get 3.35% interest this year, 5% next year and 5.5% after that. If we sell \$33.5 million this year and then we sell \$36.5 million in two years, the difference in the payback amount is \$46 million vs. \$60 million. Judge Self asked Tracy Homfeld, Engineering, to come forward. Ms. Homfeld said we don't have any projects currently that we need money on.

After lengthy discussion between Court members, Ms. Arris, Ms. Homfeld, Mr. Medanich and Mr. Bilyeu, Judge Self recessed the discussion in order to give Mr. Medanich time to answer his question.

The discussion was recessed at 3:01 p.m. and reconvened at 3:28 p.m.

Mr. Medanich, Ms. Arris, and Ms. Homfeld returned to the podium. Ms. Arris said after going through calculations, we can sell an additional \$22.4 million. The question is what to use it on. Judge Self doesn't think we need \$22 million.

Following lengthy discussion, Commissioner Webb made a motion to approve a bond sale of \$40 million: \$33.5 million, plus an extra \$6.5 million for discretionary. Discussion continued. Judge Self noted the motion would be amended to approve the bond sale of \$40 million. \$6.5 million was added in transportation bonds and \$1 million to open space. (Time: 3:43 p.m.)

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

COURT ORDER NO. 2012-256-04-23

7. AI-35005 Designation and ballot drawing of nine (9) public members (in lieu of nine elected officials) and four (4) alternate members from the 2011 Grand Jury members to be appointed and serve on the 2012 Salary Grievance Committee and any action, Commissioners Court.

Commissioner Shaheen drew Mark Swenholt and Martha Lee, Commissioner Williams drew Steve Bagwell and Sharon Pfeifer, Judge Self drew Lynley Joe Nall, Commissioner Jaynes drew Kyle Dwayne Clark and Nghia Vu, and Commissioner Webb drew Terre Marie Workman and David Gillum. (Time: 3:05 p.m.)

Returning to this item, the Commissioners drew names for alternates for the Salary Grievance Committee. Commissioner Shaheen drew Aaron Tran and Virginia Cook and Commissioner Williams drew Connie Phillips and Emma Diann Jones. (Time: 3:17 p.m.)

COURT ORDER NO. 2012-257-04-23

8. AI-34936 Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Mr. Bilyeu came forward with an update on the Medicaid 1115 Waiver. He presented a map which was put together by GIS. The map showed the district of everyone within the proposed RHP 18. (Time: 3:15 p.m.)

NO ACTION TAKEN

9. AI-35097 Board/Committee Appointments, Commissioners Court:

a. Health Care Foundation Advisory Board.

Commissioner Webb appointed Pat Hatchell to the Health Care Foundation Advisory Board.

Motion by: Commissioner Duncan Webb

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

b. Planning Board.

Commissioner Williams appointed Mardy Brown to the Planning Board. (Time: 3:15 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Joe Jaynes

Vote: 5 – 0 Passed

COURT ORDER NO. 2012-258-04-23

10. AI-34804 83rd Legislative Agenda for 2013, Commissioners Court.

Mr. Bilyeu stated the Commissioners have been invited to a hearing next week that County Affairs is having on the Medicaid Waiver. The meeting is Tuesday morning at 10:00 a.m. Judge Self stated Commissioner Williams will attend and represent the Court. (Time: 3:16 p.m.)

NO ACTION TAKEN

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


Commissioner Williams wanted a discussion of all the different ways the Housing Finance Corporation can use their dollars. (Time: 3:43 p.m.)

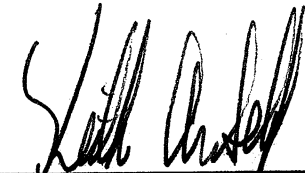
EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 3:43 p.m.



ATTEST:


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



Keith Self, County Judge



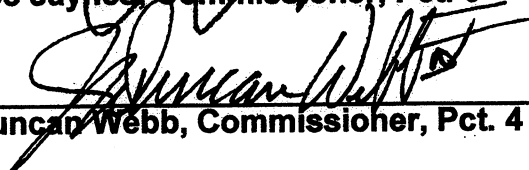
Matt Shaheen, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4