

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 12, 2012

On Monday, November 12, 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

Judge Self led the Invocation.
Commissioner Shaheen 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 adjourned the meeting at 2:33 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:33 p.m. and adjourned the meeting at 2:33 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-36042 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

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

a. AI-35940 \$82,585 to establish the budget for the FY2013 North Texas Auto Theft Task Force grant.

b. AI-35902 \$474,640 to establish the budget for the FY2013 TCEQ Clean Air Local Initiative Project (Contract #582-8-89950).

2. Public Comments. Public comments were heard on consent item 4h1.

3. Presentation/Recognition:

a. **AI-36019** Certificate for becoming a Certified Government Finance Officer presented to Jeff May, County Auditor by Judge John Roach, Jr., Auditor.

Judge John Roach, Jr., presented Jeff May, County Auditor with a certification for becoming a Certified Government Finance Officer. (Time: 1:33 p.m.)

b. Service Pins, Human Resources.

Jeff May, County Auditor, presented Patricia Campbell with a service pin in recognition of 10 years of dedicated service to Collin County.

Bill Bilyeu, County Administrator, presented a service pin to Director of Facilities, Dan James for 25 years of dedicated service to Collin County.

Judge Cindy Wheless presented Director of Juvenile Services, Pam Huffman with a service pin in recognition of 30 years of service to Collin County. (Time: 1:36 p.m.)

4. Consent agenda to approve: Judge Self requested item 4b1 be pulled for a minor correction; items 4c1, 4c2, 4f1 and 4f2 were pulled from the agenda. Judge Self asked for any other comments. Commissioner Shaheen requested item 4h3 be pulled for discussion. Commissioner Webb requested item 4g3a be pulled for discussion. There being no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:53 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Matt Shaheen

Vote: 5 – 0 Passed

a. **AI-36026** Disbursements for the period ending November 6, 2012, Auditor.

COURT ORDER NO. 2012-833-11-12

b. **Award(s):**

1. **AI-35985** Road Materials, Cement Treated Subgrade (IFB No. 08367-12) to Pavecon, LTD. for items 01-01 to 03-04 and to TXI Operations, LP for items 04-01 to 04-20, Public Works.

Judge Self noted a minor correction to the agenda item which reads 04-01 to 04-20. The backup which reads 04-01 to 04-02 is correct. A motion was made to approve the award with that correction. (Time: 1: 54 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-834-11-12

2. **AI-35986** Road Striping (IFB No. 08366-12) to Flat Line, Inc., Public Works.

COURT ORDER NO. 2012-835-11-12

c. Agreement(s):

1. **AI-36010** Personal Services Agreement with Alyse Ferguson for a Managing Attorney to administer the Mental Health Managed Counsel Program, exempt 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, 296th District Court.

HELD

2. **AI-35987** Mutual Non-Disclosure Agreement with The University of Texas at Dallas for Emergency Action Plans for USDA Natural Resource Conservation Service Dams in Collin County, further authorize the County Judge to finalize and execute same, Homeland Security.

Judge Self asked for clarification regarding who is absorbing the cost of the engineering services. Kelley Stone, Homeland Security, came forward saying there is no cost to the county; the University of Texas at Dallas will complete the project. A motion was made to approve the agreement. (Time: 1:55 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-836-11-12

d. Amendment(s):

1. **AI-36016** Amendment to the lease agreement with Avventura Properties, LLC for property located at 8585 John Wesley Drive, Frisco, Texas to extend the lease for five (5) years through and including May 31, 2018, increase the cost \$1.00 per square foot and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2012-837-11-12

e. Change Order(s):

1. **AI-36001** No. 2 to Culverts and Bands, Steel (IFB No. 08361-10) with CONTECH Construction Products, Inc. to extend the contract for one (1) year through and including September 30, 2013, accept 5" X 1" corrugation when applicable instead of 3" X 1" as listed on the contract and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2012-838-11-12

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

1. **AI-35950** \$313,468 to establish the budget (including a County Match in the amount of \$62,694) for the FY2013 Texas Indigent Defense Commission Multi-Year Discretionary Grant (Contract 212-13-D05), Auditor.

HELD

2. **AI-35971** \$650,000 to reallocate 2007 Transportation Bond funds for improvements to eleven mutual boundary roads with the City of McKinney, Public Works.

PULLED

g. Receive and File, Auditor:

1. **AI-35911** Change of Office Inventory for Juvenile Probation.

COURT ORDER NO. 2012-839-11-12

2. Inventory Audit(s):

a. **AI-35914** FY2011 Public Works Road Materials and Culverts Inventory Update.

COURT ORDER NO. 2012-840-11-12

b. **AI-36005** Central Supply (FY2012 Annual Inventory).

COURT ORDER NO. 2012-841-11-12

3. Final Audit Result(s):

a. **AI-35923** Justice of the Peace, Precinct 1 (3rd & 4th Quarter FY2011).

Commissioner Webb directed his questions to the County Auditor. He noticed there was a disagreement between JP1 and the Auditor and asked that the two meet to find a resolution. The Commissioner then asked for the status of the issue with Odyssey and disbursement verifications. Jeff May, County Auditor, replied that his office would meet with the JP1 office and resolve their issues. Mr. May did not have a current status of the disbursement verification issue; it is on a list for Tyler to address. He will get back with the Court when he has a status update. A motion was made to accept the audit. (Time: 1:58 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2012-842-11-12

b. **AI-35912** Justice of the Peace, Precinct 3-2 (3rd & 4th Quarter FY2011).

COURT ORDER NO. 2012-843-11-12

c. AI-35913 CSCD (1st & 2nd Quarter FY2012).

COURT ORDER NO. 2012-844-11-12

d. AI-35910 Justice of the Peace, Precinct 2 (1st & 2nd Quarter FY2012).

COURT ORDER NO. 2012-845-11-12

e. AI-35909 Justice of the Peace, Precinct 4 (2nd Quarter FY2012).

COURT ORDER NO. 2012-846-11-12

h. Miscellaneous

1. AI-35925 Creation of a felony/misdemeanor Veterans Treatment Court in the 296th Judicial District Court, amend the FY2013 Fee Schedule and establish a Veteran's Court Fund, 296th District Court.

Judge John Roach, Jr., 296th District Court, came forward to request the creation of the first Collin County Veteran's Treatment Court. This project has been in progress for many months and with the collaboration of District Attorney Greg Willis, the U.S. Veteran's Administration, Collin County Veteran's Services, Collin County Probation and many others they are now prepared to come to the Court with their request.

Judge Roach explained the need for the program. Often veterans have difficulties in reintegrating into civilian society once they return from foreign lands. Sometimes there are instances where they have substance abuse issues or mental illnesses such as Post Traumatic Stress Disorder (PTSD) that brings them in contact with the criminal justice system. Because of this, Veteran's Courts have been created throughout our nation. In addition, the Texas Legislature has created a statute that allows for the creation of Veteran's Courts in individual Texas counties. Currently, Collin County is the largest county in Texas without a Veteran's Court.

Judge Roach gave a brief overview of how the system works. Veterans can be referred by others such as judges, defense attorneys, law enforcement, social legal services, community based treatment providers, correctional medical services and family members. When referred, they are evaluated to see if they qualify for entry into the Collin County Veteran's Court. Not all veterans will qualify; they must have a combat related injury that has some correlation with the offense. Opportunity to participate to in program is very confined and specific. It is an extensive, intense probationary period. They not only report to a probation officer, they must also report to the Court up to two (2) times per month. Once they have completed all phases of the program, they then have an opportunity to have the charges dismissed. This allows their service record to match their civilian record which cannot be done through any other program.

The veteran is continually monitored for 90 days after the case to make sure they are held accountable for their actions and to put them on a constructive pathway to a resolution of the case.

The cost of the program is absorbed through the Veteran Treatment Court's filing fees. Judge Roach asked for approval of a sliding scale for the collection of these fees. He recommended the Court visit Tarrant County's Veteran's Treatment Court. There are some who have higher paying jobs that can afford a higher fee and some who have no job that can't afford any fee. The sliding scale for the filing fees was created so the court costs do not prohibit a veteran from receiving the help needed. Judge Roach clarified that there will be no cost to the county for this program.

Judge Roach estimates there will be between five and 15 veterans in the Veteran's Court at any given time. He believes this to be an important step in the direction of veterans in Collin County and is willing to take the responsibility to make sure the system runs effectively.

Judge Self had a blue comment card and asked H. Ownby to come forward.

H. Ownby, an attorney in Collin County, has had a great deal of experience with veterans who have gotten into trouble with the law specifically because they were a veteran and what had happened to them. He has dealt with many veterans who were in court because they had PTSD.

Mr. Ownby shared Resolution 109 with each court member which was passed in 2011 by the American Legion. He informed the Court that he stands before them as an executive member of the American Legion and that the Legion is in strong support of the Veteran's Court. In his experience when a veteran is sent to a program in which he/she can get the assistance they need, it becomes a school for curing; for not continuing with crime. The American Legion is in full support of creating a court in Collin County.

Commissioner Shaheen had questions regarding the program and whether the indigent defense program would be a part of this one. Judge Roach replied that they are completely separate. With the indigent defense grants, in regard to mental health defendants, supervision, access and counsel is provided to get them through the system faster. With veterans, they have access to resources to treatment through the Veteran's Administration which is something unavailable with other defendants. In addition, the focus is to have the veteran complete the program and then have the charges dismissed. This is not possible through the mental health defense grant.

Commissioner Jaynes remarked he has seen in other counties restrictions so severe that it appears they are set up to fail. He wants to make sure everything veterans have to deal with is taken into effect and that they are given an equal opportunity.

Judge Roach replied that the goal is to not have any veteran fail. They are mindful of the concern and have other alternatives to ensure they stay on the right track. Judge Self asked when the court would be held.

Judge Roach replied that it is yet to be determined but would most likely be on Thursday or Friday in the afternoon or early in the morning. It will depend on the veterans' schedules as well as the court schedule. There being no further discussion, a motion was made to approve the creation of a Veteran's Treatment Court. (Time: 1:52 p.m.)

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

COURT ORDER NO. 2012-847-11-12

2. **AI-36046** Rescind Court Order No. 2012-800-10-22 denying the application for Junkyards, Automotive Wrecking and Salvage Yards located at 1500 W. FM 6, Nevada, Texas, Administrative Services.

COURT ORDER NO. 2012-848-11-12

3. **AI-36018** Adopt the Exiting Elected Official Expenditure Policy, Auditor.

Commissioner Shaheen asked what process would be used to enforce the policy. Jeff May, County Auditor, responded saying with the assistance of Purchasing, his office will catch expenditures when a purchase order is submitted or before the transaction occurs. Once an expenditure is identified it would be put before the Court for approval. In the event something has to be rushed, it would be approved by the County Judge and ratified on the next court. In accordance with the county travel policy, anyone traveling must submit an estimated expenditure form to the Auditor's Office prior to the travel. At that point, the travel could be stopped.

Commissioner Williams expressed concerns regarding the exemption of staff since there are often staff changes when an Elected Official changes. Mr. May replied he has given this thought and it is difficult to have a one size fits all policy due to the size of some of the offices. While this would be very difficult to enforce in a larger department such as the Sheriff's Office, they could enforce it in the smaller departments. Mr. May cannot stop expenditures once the budget is approved for an Elected Official as long as it is within the county's parameters. Commissioner Williams commented this is better than what the county previously had; Commissioner Webb agreed. After a brief discussion, a motion was made to approve the Exiting Elected Official Expenditure Policy. (Time: 2:03 p.m.)

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

COURT ORDER NO. 2012-849-11-12

4. **AI-36022** Increase the dollar amount of the petty cash drawer in the District Clerk's office, District Clerk.

COURT ORDER NO. 2012-850-11-12

5. **AI-35947** FY2013 Compensation Plan, Human Resources.

COURT ORDER NO. 2012-851-11-12

6. **AI-36021** Increase the per vehicle rate from \$14.78 to \$17.21 for the Collin County Clean-Up Program for one (1) year through and including September 30, 2013, Public Works.

COURT ORDER NO. 2012-852-11-12

7. **AI-36020** State of Texas CO-OP Agent of Record Name Change Form and further authorize the County Judge to execute same, Purchasing.

COURT ORDER NO. 2012-853-11-12

8. **AI-36043** Personnel Appointments, Human Resources.

COURT ORDER NO. 2012-854-11-12

9. **AI-36044** Personnel Changes, Human Resources.

COURT ORDER NO. 2012-855-11-12

GENERAL DISCUSSION

5. **AI-36015** Park and Open Space Bond funds, Special Projects.

Jeff Durham, Special Projects, came forward with an update on the available funds in open space bonds as well as ideas on how to use the funds. The available funds total \$1,986,143. Proposed use of the funds include a walking trail at the Justice Center site that will connect the Administration Building to the Courthouse; installing the bridge across the small branch of the creek and putting in the Constitutional Plaza from the old courthouse. The design is 90% complete and we are now waiting for the project to go out for bid. The cost for the project will be approximately \$500,000 which leaves approximately \$1.5 million for other projects. Mr. Durham asked for the Court's direction on the remaining funds.

Commissioner Webb remarked that he would like to see better use of Myers Park. At the current rate of development, it will be one of very few places left with significant acreage. He is in favor of using some of the funds to better utilize the area.

Commissioner Shaheen suggested consideration of a county fair. When looking at other ideas, a fair would have a payback. He recommended investing in Myers Park as well as infrastructure for a county fair.

Commissioner Shaheen suggested making an agenda item for specific discussion on a county fair. Commissioner Webb commented that he has met with the Junior League of Collin County and they are very interested in partnering in a county fair. Limitations and issues such as electrical and parking are being discussed and the process is moving forward.

Commissioner Jaynes agreed with Commissioner Webb in that Myers Park should be enhanced because it will be surrounded by development; it will be the Central Park of Collin County. Additionally, neighboring Myers Park is Erwin Park which provides for a lot of greenbelt; there may some type of partnership with the city. Regarding a county fair, Commissioner Jaynes recommended the other Court members visit with some of the counties that have county fairs to see the pros and cons. Collin County may be overshadowed by the State Fair which is only 30 miles away.

Commissioner Webb commented that he has heard good things about the events at Myers Park and requested an update on the numbers. Commissioner Jaynes asked that someone check into a Civil War Re-enactment. It can be a very good revenue producer and there are no longer any in North Texas.

Commissioner Williams suggested focus on the agricultural side of Myers Park and partnering with schools to make Myers Park a standard location. Bill Bilyeu, County Administrator, suggested turning the issue over to the Myers Park Board and the Open Space Board. Ideas such as a working farm and partnering with schools can be decided by the Myers Park Board. Larger venues such as a fair would be for the Open Space Board.

Judy Florence, Myers Park, came forward. She asked the Court to keep in mind that she does not typically run an event and does not have the staff or the budget. They have the facility and can help with the logistics. Mr. Durham clarified his understanding of the Courts direction which is to come back with information on the logistics of suggestions such as a working farm and a county fair and the associated costs. A brief discussion followed. (Time: 2:15 p.m.)

NO ACTION TAKEN

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

Commissioner Webb updated the court on the latest RTC meeting. It had a fairly light agenda in terms of action items. The Managed Lane Policy took most of the afternoon and was not resolved; it will be discussed a work session to be scheduled. The issue is going from managed lanes which are three plus and primarily on LBJ versus HOV (High Occupancy Vehicle) lanes on Central and R.L. Thornton where two plus are free. The big conflict is with LBJ and Central. There is no consensus on what to do or how to do it, so there will be a work session. Commissioner Jaynes asked for clarification on how the tolls are assessed. Commissioner Webb responded that traffic is monitored constantly. Every seven minutes the traffic count is reviewed to determine whether tolls go up or down.

A big point of discussion was that drivers will not know what the tolls are until they get their bill. Although there is signage indicating the charges, it would be very difficult to read the signs while driving; the fees go from zero to \$0.75 per mile.

A part of the contract states that if the builder who is managing the lanes cannot keep the speed above 50 miles per hour, they will rebate the drivers' money for the tolls. A brief discussion followed. (Time: 2:19 p.m.)

NO ACTION TAKEN

7. **AI-35285** Medicaid 1115 Waiver, Regional Health Partnership, Administrative Services.

Bill Bilyeu, County Administrator, came forward. The County continues to receive emails from the Health and Human Services Commission (HHSC) almost daily. The past two workbooks were completed and they received an update just before court began. There was an issue recently when Children's Hospital, which brought Intergovernmental Transfer funds (IGT) in from other hospital districts to provide services in Collin County, tried to enter their projects into the workbook for Collin County. The workbook would not allow the entry because the IGT did not come from Collin County.

Next week the Court should see the Collin County Adult Clinic proposing for IGT from Collin County's grant funds. There is a lot of movement which means there are a lot of transactions. Grayson County seems to be going well.

Judge Self gave comments that we should have all the IGT that is needed for the projects moving forward.

Commissioner Williams gave credit to the consultants for a tremendous job in navigating what has been a very complex and ever changing environment.
(Time: 2:22 p.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

Judge Self requested discussion to encourage a consolidated economic development position across the county in light of California's decision to raise several taxes.

Commissioner Shaheen requested discussion on the possibility of holding a county fair.
(Time: 2:23 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 2:33 p.m.



Keith Self

Keith Self, County Judge

Matt Shaheen

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams

Cheryl Williams, Commissioner, Pct. 2

Joe Jaynes

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp

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