

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
JANUARY 27, 2014

On Monday, January 27, 2014, 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 Mark Reid, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Hill led the Invocation.
Commissioner Webb led the Pledge of Allegiance.
Judge Self 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.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:05 p.m. and adjourned the meeting at 2:05 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-37882 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. AI-37863 Change Order No. 7 to Construction, Myers Park Amphitheater and Toilets (IFB No. 09298-11) with Schmoldt Construction, Inc. to provide various changes to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.

3. AI-37844 P-Card Disbursements, Auditor.

4. AI-37872 First Quarter Performance Report regarding iPads for Judges utilizing JAG grant funds, 296th District Court.

Commissioner Webb pulled this item because he felt the report did not reflect the effectiveness of usage by the judges. The Commissioner is hopeful, given the conditions put on the iPads to track the usage and efficiency, that a more detailed report will be submitted in the future. (Time: 1:35 p.m.)

5. AI-37869 Mutual agreement to terminate the Tax Abatement Agreement between Encana Oil & Gas (USA) Inc., the City of Plano, Texas and the County of Collin, Texas, Budget.

Judge Self stated this is a bifurcated tax abatement agreement, meaning the County has a tax abatement agreement with a building. Bill Bilyeu, County Administrator, confirmed Judge Self's statement and explained the building itself has to meet the thresholds of staffing and value so that it is intact when another business comes into the building. It is not automatic to have the same criteria attached to the building. (Time: 1:36 p.m.)

6. AI-37856 Budget amendment in the amount of \$18,250 to establish the budget for the FY2014 First Aid Kits Grant, Auditor.

2. Public Comments.

3. Presentation/Recognition:

a. Service Pins, Human Resources.

Greg Willis, District Attorney, presented Sheryl Baxter, Trial Team Secretary, with a service pin in recognition of 10 years of service. (Time: 1:33 p.m.)

4. Consent agenda to approve: Judge Self pulled item 5 under FYI, items 4d3 and 4h1 and moved 4h2 to General Discussion. Commissioner Webb pulled item 4 under FYI, the disbursement to Schindler Elevator, items 4e1, 4h1 and 4h4. Judge Self asked for comments on the remainder of the consent agenda. Hearing none, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Chris Hill

Vote: 5 – 0 Passed

a. **AI-37850** Disbursements for the period ending January 21, 2014, Auditor.

All disbursements with the exception of Schindler Elevator were approved with the consent agenda vote.

COURT ORDER NO. 2014-034-01-27

A motion was made to approve the disbursement to Schindler Elevator. Commissioners Webb and Reid did not participate in the vote. (Time: 1:37 p.m.)

Motion by: Commissioner Williams

Second by: Commissioner Hill

Vote: 3 – 0 Passed

Abstained: Commissioner Duncan Webb and Commissioner Mark Reid

COURT ORDER NO. 2014-035-01-27

b. **AI-37854** Tax refunds totaling \$360,660.13, Tax Assessor Collector.

COURT ORDER NO. 2014-036-01-27

c. **Award(s):**

1. **AI-37749** Insurance, Medical Stop Loss (RFP No. 2014-101), Human Resources.

COURT ORDER NO. 2014-037-01-27

d. **Agreement(s):**

1. **AI-37840** Contract revisions with the Texas Department of State Health Services for Contract No. 2014-001265-01: CPS/CRI CPS – Cities Readiness Initiative Program to “add language to the Statement of Work and Special Provisions” for grant period beginning September 1, 2013 through and including August 31, 2014 and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2014-038-01-27

2. **AI-37845** Contract revisions with the Texas Department of State Health Services for Contract No. 2014-001267-01: CPS/HAZARDS Public Health Emergency Preparedness (PHEP) Program to “add language to the Statement of Work and Special Provisions” for grant period beginning September 1, 2013 through and including August 31, 2014 and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2014-039-01-27

3. **AI-37858** Renewal agreement for the Texas 1033 Surplus Property Program to allow the Sheriff's Office to utilize military property at no cost and further authorize the County Judge to finalize and execute the associated documents, Sheriff.

Judge Self asked Terry Box, Sheriff, if the County has received any equipment out of the Surplus Property Program. Sheriff Box answered no; equipment is reviewed often and it has been decided not to request any equipment at this time. However, if needed, a request can be made. A motion was made to approve the item. (Time: 1:37 p.m.)

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

COURT ORDER NO. 2014-040-01-27

e. Amendment(s):

1. **AI-37831** No. 1 to the contract with Community Supervision and Corrections Department (CSCD) to terminate collection services performed by CSCD and further authorize the County Judge to finalize and execute same, District Clerk.

Commissioner Webb pulled the item because the District Clerk's request to extend the current contract for 30 days if needed was not reflected in the contract or the court order. The Commissioner requested the District Clerk amend the documents. With the amended contract and court order, Commissioner Webb moved for approval of the item. (Time: 1:38 p.m.)

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

COURT ORDER NO. 2014-041-01-27

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

1. **AI-37849** \$3,520 to purchase the eFax app for the Judge's iPads, 296th District Court.

COURT ORDER NO. 2014-042-01-27

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

1. **AI-37860** January 6, 2014.

COURT ORDER NO. 2014-043-01-27

h. Miscellaneous

1. AI-37841 Grant application and resolution for the FY2015 Specialty Court Programs Grant through the Criminal Justice Division of the Governor's Office to provide salary and benefit funding for a Drug Court Coordinator and further authorize the County Judge to finalize and execute same, 366th District Court.

Judge Self stated the actual date to submit the grant application is February 28, 2014. Cynthia Jacobson, Human Resources (HR), was asked if HR calculated the increase of this salary request. Ms. Jacobson stated that HR did not calculate the salary increase. The increase requested is \$15,000 for Todd Hill, Drug Court Coordinator.

Judge Raymond Wheless, 366th District Court, approached the podium. Judge Self asked if the grant is a three-year grant or a yearly grant with three option years. Judge Wheless stated an application has to be submitted yearly and the grant funding should be indefinite. Funds for the grant come from court costs for DWI (Driving While Intoxicated) and drug offenses. The funds go to the Governor's Office and in turn there is a grant to fund the Drug Court Coordinator position.

Judge Self commented that County salaries are based on a range and experience for each position. Judge Wheless does not believe this will set precedent as Mr. Hill is the lowest paid specialized court coordinator in the area. By giving Mr. Hill a \$15,000 raise, he will still be paid \$3,000 less than Court Coordinators in comparable counties. Judge Wheless did not have the experience data for other Court Coordinators but stated Mr. Hill has been on the Drug Court staff for four years and has held the Coordinator position for two years. Mr. Hill is very experienced as he was previously a probation officer, worked for Recovery Healthcare and has been a part of the drug court team.

Commissioner Webb questioned why only three of the five courts use Mr. Hill's services and voiced concern of setting precedence by approving the \$15,000 raise making Mr. Hill one of the highest paid Court Coordinators in the County. The Commissioner would like Mr. Hill to submit a detailed analysis showing the value of this position as well as the savings and impact the position has on the Drug Court Program. In addition, Commissioner Webb wanted an explanation of why two of the courts are not using the service. Judge Self agreed with Commissioner Webb and would like the analysis to include recidivism and the effectiveness of the Drug Court Program. Commissioner Williams would like to see a breakdown of where the drug court fines and fees are going to ensure the funds are properly allocated. Commissioner Hill would like to see a comparison of the courts that do and do not utilize Mr. Hill's services.

Judge Wheless explained originally when the grant was applied for all the courts with Drug Court Programs would utilize the services of the Drug Court Coordinator. Judge Corrine Mason, County Court at Law 1, decided not to use the services. Mr. Hill came forward to state that four of the five courts utilize the services. One key to the grant funding is that the DWI or Drug Court Program cannot accept any offenders with assault offenses. This is one reason why Judge Mason does not use the service. If an offender has an assault offense, they can go into Judge Mason's program for help needed. The other program Mr. Hill assists with is the Juvenile Drug Court Program. Mr. Hill meets with them weekly and conducts participant orientation. The graduation rate of the program was 75%. Out of those graduates, 84% have not been reoffenders as of August 2013. That is a 16% recidivism rate over a three-year period.

Judge Self requested the analysis and a Court Coordinator experience comparison be submitted as soon as possible in order for the Court to vote by the February 28, 2014, grant application deadline. This item was held pending the review of analysis and experience reports. (Time: 1:54 p.m.)

HELD

2. AI-37889 Resolution supporting an appointment to fill the judicial vacancy of the Federal Court for the Eastern District of Texas and further authorize the County Judge to finalize and execute same, Administrative Services.

Judge Self moved this item to General Discussion to discuss the original resolution regarding the Grayson County packet. A revised resolution was drawn up asking for the vacancy to be filled with a candidate residing in the geographical area, without stating the nominee be a Grayson County resident thus opening the position up to Collin County residents. Judge Self recommended the Court pass the redlined resolution that does not state a nominee reside in Grayson County while supporting the initiative. Commissioner Webb commented that Sherman would like to get a Grayson County resident in the position just as Plano would like a Collin County resident to be appointed to the Plano office in the coming years. Judge Self stated the Court should not advocate for any particular county as our position is that a Judge is needed in the Federal Court for the Eastern District of Texas. A motion was made to approve the redlined resolution as it is. (Time: 2:02 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Chris Hill
Vote: 5 – 0 Passed

COURT ORDER NO. 2014-044-01-27

3. AI-37842 50/3 application for Kroger Texas Limited Partnership, Budget.

COURT ORDER NO. 2014-045-01-27

4. AI-37832 Grant Application with Texas Department of Transportation for the DWI No-Refusal Mandatory Blood Draw Program grant in the amount of \$57,600, District Attorney.

Commissioner Webb pulled this item because the deadline of January 10, 2014, with no exceptions is stated throughout the application. The Commissioner questioned how the County is eligible to apply since the deadline has passed. Jeff May, Auditor, explained this item missed being put on the agenda before the Christmas holiday deadline. Since the application did not require a signature to apply, it was submitted. If the Commissioners' Court chooses not to apply for the grant, the application can be pulled. Mr. May reminded the Court this is a grant renewal the County has had for years. A motion was made to approve the item. (Time: 1:55 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Mark Reid
Vote: 5 – 0 Passed

COURT ORDER NO. 2014-046-01-27

5. AI-37874 Re-designation of County Road 56 to W. Sunset Blvd. to match the City of Celina 9-1-1 addressing, GIS/Rural Addressing.

COURT ORDER NO. 2014-047-01-27

6. AI-37855 FY2014 Emergency Management Performance Grant (EMPG) application with the US Department of Homeland Security through the State of Texas Department of Public Safety, Texas Division of Emergency Management, further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2014-048-01-27

7. AI-37867 Grant Application and Resolution for the FY2015 Juvenile Accountability Block Grant (JABG) with the Office of the Governor, Criminal Justice Division and further authorize the County Judge to finalize and execute same, Juvenile Probation.

COURT ORDER NO. 2014-049-01-27

8. AI-37873 Resolution authorizing the Probate Judge to appoint associate judges, Probate Court.

COURT ORDER NO. 2014-050-01-27

9. AI-37880 Declare the attached list of Collin County property as surplus and authorize the Purchasing Agent to sell via on-line auction per V.T.C.A Local Government Code 263 and authorize advertising for same, Purchasing.

COURT ORDER NO. 2014-051-01-27

10. AI-37864 Increase the dollar amount of the cash drawers in the Tax Assessor Collector's Office, Tax Assessor Collector.

COURT ORDER NO. 2014-052-01-27

11. **AI-37883** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-053-01-27

12. **AI-37911** Grant exemption from the competitive bid process per VTCA LGC 262.024 (a)(2) "an item necessary to preserve or protect the public health or safety of residents of the county", award Construction, Interior and Exterior Alterations, 900 E Park (IFB No. 2014-110) to G T Construction, Inc. and budget amendment in the amount of \$550,000 for same, Construction & Projects.

COURT ORDER NO. 2014-054-01-27

13. **AI-37912** Designation of the County Court at Law 2 as the County's Misdemeanor DWI/Drug Court effective February 1, 2014, County Court at Law 5.

COURT ORDER NO. 2014-055-01-27

GENERAL DISCUSSION

5. **AI-37870** Personnel Policy exceptions on Commissioners Court agenda, County Judge.

Judge Self pulled the item to clarify this is not questioning the authority of any Commissioners' Court member to put any subject or personnel policy exception on the Court agenda that is desired to be discussed. However, Judge Self stated he will not sign an agenda in the future that has a personnel policy exception without a Commissioners' Court sponsor.

Commissioner Williams asked if the Court has given elected officials the opportunity to make their case on personnel exceptions in the past. Judge Self replied an elected official can come and make a three minute presentation to the Court. The Attorney General's opinion is that no member of the Court controls the agenda and any Court member can put an item on the agenda. This does not apply to any other elected official. (Time: 2:04 p.m.)

NO ACTION TAKEN

6. Board/Committee Appointments, Commissioners Court:

a. AI-37876 P3 (Public Power Pool) Board of Directors.

Judge Self asked if any of the Court members would like to be nominated to serve on the P3 (Public Power Pool) Board of Directors. Judge Self asked Mr. Bilyeu for the advantages of serving on this Board. Mr. Bilyeu said the County is a participating member and that former Commissioner Matt Shaheen served on the Board before. The P3 meetings are usually held in conjunction with the CUC (Conference of Urban Counties) luncheons. P3 is a separate entity from CUC but operated by CUC staff. If Commissioner Hill would like to be nominated, the County would have a voice on the Board as contracts come up or if there are questions. Commissioner Hill said he is committed to the CUC meetings and the role that Commissioner Shaheen filled. The Commissioner would be happy to serve on the P3 Board to represent the County. Judge Self moved to nominate Commissioner Hill for election to the P3 Board as a representative of Collin County. (Time: 2:05 p.m.)

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

COURT ORDER NO. 2014-056-01-27

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

NO ACTION TAKEN

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

Judge Self recessed the meeting of the Commissioners' Court at 2:05 p.m. to call to order the meeting of the Health Care Foundation.

EXECUTIVE SESSION

Judge Self reconvened the meeting of the Commissioners' Court and recessed the meeting into Executive Session at 2:05 p.m. in accordance with Paragraph 551.071 of the Local Government Code, Legal. Judge Self reconvened the meeting at 3:08 p.m.

Legal (551.071)

AI-37857 Consultation with an attorney regarding the legal authority of the NTBHA Board, Administrative Services.

Judge Self asked for discussion on the item. Commissioner Williams would like a consensus of the Court in moving forward to find a sponsor for an Attorney General's (AG) opinion for the NTBHA (North Texas Behavioral Health Authority) Board as it relates to the Board's ability to have input into the upcoming RFP (Request For Price) service provider bid. Judge Self recommended moving forward as this is a decision that needs to be rendered in order for the NTBHA Board to either have some authority or have the authority to change where the Board has no authority under law.

Commissioner Williams made a motion to pursue finding a sponsor for an Attorney General's opinion as drafted by Greg Hudson, Legal Counsel. Judge Self asked Mr. Hudson about the lack of verbiage in the letter regarding elected officials making up the Board. Mr. Hudson said a sentence would be added to the letter stating elected officials make up the Board. A motion was made to approve the item. (Time: 3:11 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Mark Reid
Vote: 5 – 0 Passed

COURT ORDER NO. 2014-056-01-27

AI-37888 Consultation with an attorney regarding FCC caps on inmate long distance, Administrative Services.

Judge Self asked for discussion on participating in this action. Commissioner Williams would like to revisit this at a later time to see if TAC (Texas Association of Counties) or the CUC or another entity decides to step in. Judge Self asked for Commissioner Webb's recommendation. In terms of cost and exposure, Commissioner Webb would like to investigate getting a broader state body involved whether it be the Attorney General, CUC or TAC. There was a brief discussion on the potential downside and cost to the County involved with the litigation. The item was held with consensus of the Court being to wait and have Mr. Hudson monitor and work with TAC and CUC. (Time: 3:13 p.m.)

HELD

AI-37859 Consultation with an attorney regarding Collin County Salvage Yard Ordinance, Administrative Services.

Judge Self was concerned with a one-year license for stable organizations. Mr. Hudson explained that it is the discretion of the Commissioners' Court how often a license is required to be renewed. The renewal fee is low at \$25.00 so this is not an issue of generating revenue yearly. The main reason is for organizations to stay in continual compliance. An example complaint is fence screening that has blown down creating an unappealing view for passing motorists on a daily basis. With a full review every year complaints like the example will occur less and keep organizations in compliance. The Court can step in at any time to review complaints for immediate remedy. Members of the Court understood Mr. Hudson's opinion of the yearly review but felt a longer license duration would be more reasonable for business owners.

Misty Brown, Development Services, come forward. The Judge asked Ms. Brown how many compliance complaints there have been in the last five years, and how many license renewals were rejected in that time period. Ms. Brown stated there were three cases. One was debris lining a creek bed, and two were fuel runoffs onto neighboring properties. These complaints were remedied immediately. As far as rejected renewals, there were two instances related to new ownership. In those cases a new license application had to be submitted. The Court agreed that a three-year license would be more appropriate than the one-year license.

A motion was made to move to a three-year license term and to approve the remainder. Commissioner Hill and Mr. Bilyeu made the following additions to the motion: (1) an amendment to revise the language between section 606c and 405ci to be consistent and (2) set the hearing and adoption date for February 17, 2014. (Time: 3:20 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 4 – 1 Passed
Nay: Commissioner Duncan Webb

COURT ORDER NO. 2014-058-01-27

AI-37887 Consultation with an attorney regarding Justice of the Peace and Constable Redistricting, Commissioners Court.

Commissioner Williams asked Mr. Hudson to explain what happens when a long sitting Justice of the Peace (JP) is drawn out of the precinct. Mr. Hudson explained that according to government code for JPs and local government code for constables, if a JP has been in office for more than ten years and serves out their term, when redistricting occurs, the JP can run for re-election for the redistricted precinct that was held for ten years. (Time: 3:21 p.m.)

NO ACTION TAKEN

There being no further business of the Court, Judge Self adjourned the meeting of the Commissioners' Court at 3:22 p.m.



Keith Self, County Judge

Mark Reid, 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