

STATE OF TEXAS

COMMISSIONERS' COURT  
MEETING MINUTES  
MARCH 10, 2014

COUNTY OF COLLIN

On Monday, March 10, 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 Duncan Webb, Precinct 4

Absent:  
Commissioner Chris Hill, Precinct 3

Judge Self led the Invocation.  
Commissioner Reid 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 2:43 p.m. The meeting was reconvened and recessed into Executive Session at 2:43 p.m. The meeting was reconvened and adjourned at 3:03 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:43 p.m. and adjourned the meeting at 2:43 p.m.

**DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:**

1. AI-38031 Personnel Appointments, Human Resources.

**FYI NOTIFICATION**

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

2. AI-38012 Budget amendment in the amount of \$20,000 to establish the budget for the Veterans' Assistance Grant, Auditor.

3. AI-37935 P-Card Disbursements, Auditor.

**4. AI-38006 Voluntary Terminations, Human Resources.**

**2. Public Comments.**

**3. Presentation/Recognition:**

**a. Service Pins, Human Resources.**

Kenneth Maun, Tax Assessor, presented Jennifer Snailum with a service pin in recognition of 15 years of service.

**b. AI-37941 Proclamation designating March 2014 as Purchasing Month in Collin County, Commissioners Court.**

Commissioner Reid came forward to present Michalyn Rains, Purchasing, with a proclamation designating March 2014 as Purchasing Month in Collin County.

**4. Consent agenda to approve:** Judge Self asked for comments on the consent agenda. Commissioner Webb pulled items 4d1, 4g2 and 4h2. The Judge moved item 4d1 to Executive Session under the legal paragraph. Hearing no other comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:35 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Mark Reid

Vote: 4 – 0 Passed

**a. AI-38021 Disbursements for the period ending March 4, 2014, Auditor.**

**COURT ORDER NO. 2014-136-03-10**

**b. AI-38017 Tax refunds totaling \$1,196,922.51, Tax Assessor Collector.**

**COURT ORDER NO. 2014-137-03-10**

**c. Award(s):**

**1. AI-38011 Supplies: Veterinary and Animal Care (IFB No. 2013-337) to various vendors, Development Services.**

**COURT ORDER NO. 2014-138-03-10**

**d. Agreement(s):**

1. **AI-37990** Agreement with the Parker Fire Department for Firefighting and Fire Protection Services commencing October 1, 2013 through and including September 30, 2014 and further authorize the County Judge to finalize and execute same. Payments will be made in bi-annual installments for an annual total of \$1,315.31, Fire Marshal.

Commissioner Webb pulled this item because this agreement to provide firefighting and fire protection services in the unincorporated area around the City of Parker is different from the agreements with other cities and volunteer fire departments for other unincorporated areas in the County. The two main changes the Commissioner has concerns about are 1) paragraph 3.4 because the contractual indemnification is not in any of the County's other contracts, and 2) there was a deletion of the requirement that the County be named an additional insured on their insurance policy.

Jim Shepherd, Legal Counsel, came forward to address Commissioner Webb's concerns. Regarding the indemnification clause, he has confirmed that the Texas Municipal League Intergovernmental Risk Pool (TML's insurance) will insure the volunteers through their Worker's Compensation and Liability policy and insure the equipment beyond the city limits, beyond the ETJ (extraterritorial jurisdiction) and into the unincorporated area. The underwriters have not confirmed that they will add the county as an "also insured." If the Court wanted to change anything, putting a period on the third line after "this agreement" in paragraph 3.4 would comply with the statute requiring an agreement.

We do not need the indemnification because that would suggest the insurance is not good. That leaves the question of whether or not the City of Parker can make the County an "also insured" on the policy so that the City of Parker is insuring the County for an act taken at the County's request with municipal assets and equipment into the unincorporated areas. If Parker can make the County an additional insured they will do it, unless there is an additional premium. Mr. Shepherd confirmed there is insurance on the City's side for exactly what the Court has asked the City to do. Mr. Shepherd will recommend that the City immediately make the County an additional insured if the underwriters at TML will allow it, but he cannot commit to it at this time. He then asked the Court if any other cities have actually made the County an additional insured on their TML policy. Commissioner Webb said contractually the other cities have agreed to add the County as an additional insured and asked Mr. Bilyeu to confirm whether or not this has been done. Bill Bilyeu, County Administrator, said he has not received the documents yet. The Commissioner then asked if the County had insurance to cover this type of situation. Mr. Bilyeu said it did not and explained the County has a stand-alone policy and would have to find out if it falls under the blanket policy.

Judge Self said the Court needs to hold this item to review what the County's contracts with the other cities include. (Time: 3:03 p.m.)

**HELD**

2. **AI-38008** Acceptance of the Internet Crimes Against Children grant funds in an amount NTE \$15,000, approval of an Interlocal Agreement with the City of Dallas to participate with the Dallas Police Department and the Internet Crimes Against Children Task Force and further authorize the County Judge to finalize and execute same, Sheriff.

**COURT ORDER NO. 2014-139-03-10**

**e. Amendment(s):**

1. **AI-37981** No. 4 to Voter Registration & Early Voting Software (Contract No. 02376-09) with Votec Corporation to extend the contract for one (1) year through and including September 30, 2014 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

**COURT ORDER NO. 2014-140-03-10**

2. **AI-38001** No. 4 to Engineering Services for Roads Improvements to FM 2514 (Parker Road) with Birkhoff, Hendricks & Carter, L.L.P. to add various items to the contract, budget amendment in the amount of \$41,950 for same and further authorize the Purchasing Agent to finalize and execute same, Engineering.

**COURT ORDER NO. 2014-141-03-10**

**f. Ratification of the prior approval:**

1. **AI-38005** Disbursements for the period ending February 25, 2014, Auditor.

**COURT ORDER NO. 2014-142-03-10**

2. **AI-38016** Personnel Changes, Human Resources.

**COURT ORDER NO. 2014-143-03-10**

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

1. **AI-37992** February 3, 2014.

**COURT ORDER NO. 2014-144-03-10**

2. **AI-38010** February 10, 2014.

Commissioner Webb had requested a few minor changes be made to the minutes. The Court reviewed the changes and a motion was made to approve the item. (Time: 1:36 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Mark Reid

Vote: 4 – 0 Passed

**COURT ORDER NO. 2014-145-03-10**

3. **AI-38018** February 17, 2014.

**COURT ORDER NO. 2014-146-03-10**

**h. Miscellaneous**

1. **AI-38020** Sale of Struck Off Property located at 707 11th Street, Plano, Texas (Lot 5B & 4B, L A Davis Addition, Volume 1872, Page 828) as recorded in the Collin County Deed Records to Agape Resources & Assistance Center, Inc. and further authorize the County Judge to finalize and execute the associated documents, County Judge.

**COURT ORDER NO. 2014-147-03-10**

2. **AI-37843** Adoption of the FY2014 Investment Policy, Auditor.

Commissioner Webb pulled this item to make a change to page 367. In the third line there is a reference to a Long-Term Pooled Fund Group which should be changed to Capital Project Fund Group. A motion was made to approve the item with the change made. (Time: 1:36 p.m.)

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

**COURT ORDER NO. 2014-148-03-10**

3. **AI-38024** Deposit the net proceeds totaling \$13,875.92 from the Collin County On-Line Auction held on February 6, 2014 per Local Government Code 263.156, Purchasing.

**COURT ORDER NO. 2014-149-03-10**

4. **AI-38032** Personnel Appointments, Human Resources.

**COURT ORDER NO. 2014-150-03-10**

**GENERAL DISCUSSION**

5. **AI-38023** LifePath annual update, Administrative Services.

Mary Dell Green, Chairperson of LifePath Board of Trustees, came forward to thank the Court on behalf of the Board for their continuing support and enthusiasm for the LifePath programs. These programs serve residents facing challenges of mental health, intellectual disabilities and early childhood crises. The Board has revised the Vision and Mission statements. The Vision is to be the preferred provider serving all individuals and families in our community with comprehensive care for behavioral health, intellectual or developmental challenges. The Mission is to serve individuals and families impacted by behavioral health, intellectual or developmental challenges, resulting in stronger communities.

Ms. Green then introduced Randy Routon, Ph.D. and CEO of LifePath Systems. Dr. Routon presented a PowerPoint describing the three program divisions. The first is the Babies Program which serves children up to age three and their families in their homes. The goal is to get the children up to their highest ability to function which reduces costs for special education and services later. The second is the Intellectual and Developmental Disabilities Program, and the third and busiest is the Behavioral Health Program (mental illnesses or substance abuse). The expected outcomes of these programs are helping children and adults live independent “ordinary” lives, resolving crises, reducing higher-cost care, helping tax users become tax payers, and adding strength, skills and resilience to families.

Dr. Routon explained the revenue sources, expenses, program budget and professional staff qualifications. Currently there are 250 full and part-time employees, 25 volunteers and approximately 300 contractors. There are four 1115 Waiver transformation projects. The first is expanding the McKinney Behavioral Health Clinic and opening a new clinic in Wylie. The second is creating integrated primary/behavioral care. Studies have shown that people with serious mental illnesses are dying 20 years earlier than their peers. The third project is training peer support specialists and mental health first aid. These are trained peer-support specialists who have themselves received mental health services in the past and are now in recovery. The fourth project is targeted interventions for special populations such as autism, mental retardation and abused children who are still living in the home of the perpetrator.

With the rapid growth in Collin County, a resource manual was created to be distributed to all elected officials and state representatives, and the LifePath Board went into its reserves to create the LifePath Systems Foundation which will be used for fundraising. Dr. Routon thanked the Court for being the anchor for the 1115 Waiver which has created an opportunity for growth.

Judge Self asked about the impact of the 1115 Waiver on LifePath’s operations. Dr. Routon said it has been a great opportunity to determine what’s needed and what was not able to be done in the past. The integrated care clinic, over time, will save lives. There are many clients who have never been to a doctor and suffer from illnesses such as diabetes and chronic COPD. The 1115 Waiver has allowed LifePath Systems to meet more of the needs that are out there. From an operational standpoint things are fairly complex, and from a financial perspective the 1115 Waiver has added approximately \$3 million to operations per year. (Time: 2:04 p.m.)

**NO ACTION TAKEN**

**6. AI-38013** Transportation Development Credits Program presented by the North Central Texas Council of Governments staff, Engineering.

Tracy Homfeld, Engineering, introduced Christie Gotti, NCTCOG (North Central Texas Council of Governments) who came at the Court's request to speak about TDCs (Transportation Development Credits). TDCs are earned as a region when toll revenues are used to fund capital projects on public highways. Currently 465 million credits have been allocated in the DFW region. TDCs are credits, not cash or money, to be used to offset local match requirements on federal projects. Eligible project types are relatively limited and apply to highway, transit and bicycle/pedestrian projects. The credits are not split according to the region's East West Equity split.

There are five types of award methods approved by the RTC (Regional Transportation Council) with TDCs allocated to each. The first is Strategic Awards to Small Transit Providers which has five million credits. This is how TDCs have been used in the past until the state realized there was a huge backlog of credits available and wanted to open it up to make sure the credits are being used. The next four categories have been added and include Type 1 Call for Projects in which the RTC has an ongoing funding program with a new call for projects and wants to include TDCs as an option for local matches. One to two million credits is anticipated for this award method. Next is the Type 2 Call for Projects in which a local agency already has some federally-based funding to offset. This award method has 50 million TDCs set aside. A call for projects was announced in January 2014 and applications are due April 18, 2014.

The fourth method is the RTC proposing to sell TDCs to TxDOT (Texas Department of Transportation) or transfer them to other metropolitan areas. This process was initiated in February 2014 and includes 150 million TDCs. This method would use the credits faster and could de-federalize a project by replacing federal funds with state funds thereby implementing a project under state rules rather than federal rules. This could also serve as a revolving fund in which the TDCs are sold to the state for cash creating a permanent revolving fund for regional programs. The last method is Regional Programs which are generally management and operations projects. Currently there is a review to identify applicable projects or programs which should be finalized in March 2014. This method includes 10 million TDCs.

Ms. Gotti then explained the guidelines, considerations and evaluation process for Type 2 Calls. Judge Self said he has heard it explained as not being cash or funds, but as having access to additional federal funds and then asked for an explanation. Ms. Gotti said it is better to use the TDCs on programs rather than projects. On the transit side, these credits have traditionally been used for smaller providers like those that provide transit services for the elderly or people with disabilities. These providers have a harder time coming up with a local match for their programs so they cannot apply for as much in federal funding. By utilizing TDCs in lieu of a match, they are able to gain access to federal dollars that they would not have otherwise been able to access.

Judge Self said this seems to be instituting incentives to overdesign projects in order to get the TDCs to fund 100% of the project as opposed to 80%. Since the RTC knows which projects have TDCs allocated to them, rather than putting out a call for projects, the projects on the list should be evaluated to decide which ones meet the criteria.

Judge Self asked Bill Hale, TxDOT, Dallas District Engineer, if the contract north of McKinney had been let. Mr. Hale said it had been let which means it is too late to switch any RTR (Regional Toll Revenues) dollars for federal money. Commissioner Webb confirmed that a project has to have federal funding, must be able to be completed at 80% and the remaining 20% has to go to another innovative transportation project. Ms. Gotti recommended looking at programs as opposed to projects. Judge Self asked who has the authority to restrict TDC use from operations. Ms. Gotti is not sure and will look into it. She also stated Collin County has 13 federally-funded projects on the Transportation Improvement Program and offered to brainstorm with staff as needed. The list of projects will be sent to the Court for their review. (Time: 2:37 p.m.)

**NO ACTION TAKEN**

**7. AI-37998 Tax Abatement Agreement with FedEx Office and Print Services, Inc., Budget.**

Mike Rosamond, KDC Real Estate Development, came forward to update the Court on the project and answer any questions. The site is 19.5 acres and is located in the southwest quadrant of S.H. 121 and the Dallas North Tollway directly across the street from the J.C. Penney Headquarters. The partnership that will be developing the project is comprised of four entities: KDC, J.C. Penney, Columbus Realty and The Caravan Companies. KDC will be the developer and landlord.

Mr. Rosamond showed a site plan and elevations. The site will be a single building, four stories in height, 265,000 square feet with a retention pond. There will be approximately 1,200 surface parking spaces in Phase I. They will break ground in June or July 2014 and the first occupancy is anticipated to be September or October of 2015. Commissioner Reid asked how many employees this project will bring to the area. Mr. Rosamond said roughly 1,150 full time employees. Judge Self asked if this is contingent upon the County tax abatement since the ground breaking is already scheduled. Mr. Rosamond said that it was not contingent. The Judge also asked if the two signed documents and agreement from the City of Plano have been executed. Mr. Rosamond said they were executed.



Mr. Bilyeu said bureaucratically this is the first time a tax abatement has been brought before the Court. Mr. Bilyeu explained the agreement had been reviewed by Commissioner Webb, Mr. Shepherd and the tenants' and landlord's representatives. With no further comments, a motion was made to approve the item. (Time: 2:43 p.m.)

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

**COURT ORDER NO. 2014-151-03-10**

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

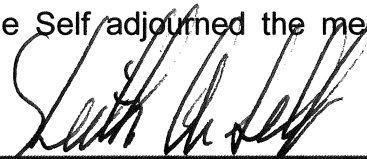
**NO ACTION TAKEN**

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

**EXECUTIVE SESSION**

Judge Self recessed the meeting into Executive Session at 2:43 p.m. in accordance with Chapter 551.071, Legal, to discuss item 4d1, the Agreement with the Parker Fire Department for Firefighting and Fire Protection Services. The meeting was reconvened at 2:57 p.m.

There being no further business of the Court, Judge Self adjourned the meeting at 3:03 p.m.



Keith Self, County Judge



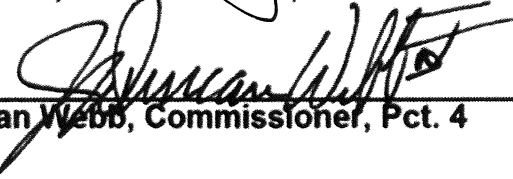
Mark Reid, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



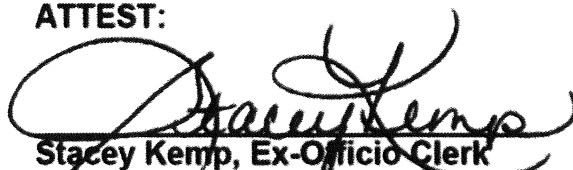
Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4



ATTEST:



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