

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
JUNE 16, 2014

COUNTY OF COLLIN

On Monday, June 16, 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

Judge Self led the Invocation.
Commissioner Reid led the Pledge of Allegiance.
Commissioner Hill 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 2:19 p.m. and adjourned the meeting at 2:19 p.m.

FYI NOTIFICATION

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

Judge Self added the Waters of the US decision and the Public Safety LTE network to Outstanding Agenda Items. The Judge removed the fireworks issue at Brockdale Park and asked if the Sheriff shortage was ready to be put on the agenda. Bill Bilyeu, County Administrator, stated Greg Hudson, Legal Counsel, is writing the policy for this item. (Time: 1:37 p.m.)

2. AI-38355 Budget amendment in the amount of \$158,533 to help defray the cost of juvenile placements in the JJAEP facility, Auditor.

2. Public Comments.

Carroll Maxwell, McKinney, was present to comment on General Discussion Items 5 and 7.

Starting with item 5, Mr. Maxwell wanted to heighten the Court's sense of urgency regarding foster homes in Collin County. Collin County is deficient in their number of foster homes. Most of the foster homes for the children of Collin County are not close and some are even outside the county. Speaking from experience, Mr. Maxwell believes it would save the County money and lessen the burden on volunteers to have more foster homes within the county. This would decrease the costs associated with driving the children to and from the weekly scheduled parental visits and other appointments.

Moving to item 7, Mr. Maxwell addressed the issue with the BLM (Bureau of Land Management). Mr. Maxwell reinforced his opinion that the Court not give BLM anything more than they have to. Mr. Maxwell believes the County should be suspicious of everything the BLM does and even file suit against the BLM to let the Corps of Engineers continue to manage the lake. (Time: 1:58 p.m.)

Judge Self commented on Mr. Maxwell's statement regarding in-county foster homes. The Judge directed his comment to Derek Baker, Treasurer of the Collin County Child Protective Services (CPS) Board, saying that Collin County children being placed in foster homes within Collin County should be an issue the CPS Board takes on. Mr. Baker replied that some of the placements outside the county are due to family placements. (Time: 1:59 p.m.)

Additional public comments were heard under General Discussion Item 7.

3. Presentation/Recognition:

a. Service Pins, Human Resources.

Greg Willis, District Attorney, presented a service pin to Katie Elder, Legal Secretary, in recognition of her 10 years of service. (Time: 1:34 p.m.)

4. Consent agenda to approve: Judge Self pulled item FY1 for discussion, deleted item 4h3 and then asked for comments on the remainder of the consent agenda. Commissioner Webb pulled the disbursement to Schindler Elevator and items 4d2, 4e1 and 4h3. Commissioner Reid pulled item 4e2 and Commissioner Hill pulled item 4e1. Hearing no other comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:36 p.m.)

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

a. **AI-38349** Disbursements for the period ending June 10, 2014, Auditor.

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

COURT ORDER NO. 2014-330-06-16

A motion was made to approve the disbursement to Schindler Elevator. Commissioner Webb and Commissioner Reid did not participate in the vote. (Time: 1:38 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 3 - 0 Passed

Abstained: Commissioner Duncan Webb and Commissioner Mark Reid

COURT ORDER NO. 2014-331-06-16

b. **AI-38347** Tax refunds totaling \$485,428.12, Tax Assessor Collector.

COURT ORDER NO. 2014-332-06-16

c. **Advertisement(s):**

1. **AI-38364** Commercial Washers, Dryers and Installation (IFB No. 2014-239), Facilities.

COURT ORDER NO. 2014-333-06-16

d. **Award(s):**

1. **AI-38369** Services: Customer Line (Queuing) Management System (RFP No. 2013-295), District Clerk.

COURT ORDER NO. 2014-334-06-16

2. **AI-38310** Maintenance, UPS Repair and Parts Replacement (IFB No. 2014-164) to Power 4U, Facilities.

Commissioner Webb noted there were no changes to any items and asked Michalyn Rains, Purchasing, if the vendor has agreed to monthly payments versus an annual payment. Ms. Rains came forward and stated there were no additional comments; the vendor has agreed to accept monthly payments which will be made part of the contract. A motion was made to approve the item. (Time: 1:38 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2014-335-06-16

e. Agreement(s):

1. AI-38277 Professional Services Agreement with Dr. Cassie Meier, a Doctor of Veterinary Medicine (Contract No. 2014-241) to provide spay and neuter services, grant exemption from the bidding process per Local Government Code 262.024(a)(4) and further authorize the Purchasing Agent to finalize and execute same, Development Services.

Commissioner Webb was concerned with paragraph I titled "Financial Interest in any Contract by Owner's Officers, Employees or Agents". Because there is no defined term of "owner" in the agreement, this paragraph does not apply to this situation, therefore the Commissioner believed the paragraph should be removed. A motion was made to approve the item with the revision to strike paragraph I. Commissioner Hill did not participate in the vote. (Time: 1:39 p.m.)

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

COURT ORDER NO. 2014-336-06-16

2. AI-38346 Engineering Services Agreement with Binkley and Barfield, Inc. for the design of a new bridge on County Road 317 at Wilson Creek, budget amendment in the amount of \$132,473 and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

Commissioner Reid wanted to confirm that the bridge will be replaced and asked if the repairs to the bridge are adequate to keep the bridge serviceable until it is replaced. Jeff Durham, Special Projects/Open Space, confirmed the bridge will be replaced and the repairs are adequate. Plate steel has been installed over the hole that had developed and hot mix asphalt was used to keep the transition smooth. Public Works is monitoring the repair to ensure it holds. A structural engineer has examined the bridge and deemed it structurally sound. Mr. Durham stated the goal is to have a bridge design and contract for construction in place within the next six months. With no further discussion, a motion was made to approve the item. (Time: 1:41 p.m.)

Motion by: Commissioner Mark Reid
Second by: Commissioner Chris Hill
Vote: 5 - 0 Passed

COURT ORDER NO. 2014-337-06-16

f. Change Order(s):

1. **AI-38365** No. 1 to Fencing, Labor and Materials, All-Inclusive (IFB No. 2013-150) with Robinson Fence Co. to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2014-338-06-16

2. **AI-38361** No. 3 to Services: On-Site Grinding, Mulching and Removing of Debris (IFB No. 05187-11) with Rose Contracting to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2014-339-06-16

3. **AI-38358** No. 4 to Services, Maintenance, HVAC Contractor (IFB No. 03225-10) with Gulf Energy Systems to extend the contract for one (1) year through and including September 30, 2015 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2014-340-06-16

g. Receive and File, Auditor:

1. **AI-38317** FY2013 Annual Inventory Audit for Handheld Electronic Devices.

COURT ORDER NO. 2014-341-06-16

2. Final Audit Result(s):

a. **AI-38314** CSCD (3rd Quarter FY2013).

COURT ORDER NO. 2014-342-06-16

b. **AI-38311** Development Services (3rd & 4th Quarter FY2013).

COURT ORDER NO. 2014-343-06-16

c. **AI-38318** Justice of the Peace, Precinct 1 (3rd Quarter FY2013).

COURT ORDER NO. 2014-344-06-16

d. **AI-38312** Juvenile Probation (3rd & 4th Quarter FY2013).

COURT ORDER NO. 2014-345-06-16

e. **AI-38313** Constable, Precinct 4 (4th Quarter FY2013).

COURT ORDER NO. 2014-346-06-16

3. Monthly Financial Report(s):

a. **AI-38335** October 2013.

COURT ORDER NO. 2014-347-06-16

b. AI-38342 November 2013.

COURT ORDER NO. 2014-348-06-16

c. AI-38343 December 2013.

COURT ORDER NO. 2014-349-06-16

h. Miscellaneous

1. AI-38352 Re-plat of The Hills of Lone Star Subdivision lots 32 and 36 into lot 32/36R, Engineering

COURT ORDER NO. 2014-350-06-16

2. AI-38354 Purchase a Fujitsu FI-7160 Document Scanner from the JP Court Technology Fund and budget amendment in the amount of \$843 for same, Justice of the Peace, Precinct 1.

COURT ORDER NO. 2014-351-06-16

3. AI-38330 Trade-in Audio Visual Equipment in the District and County courtrooms in the amount of \$4,645, Purchasing.

HELD

4. AI-38384 Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-352-06-16

5. AI-38385 Personnel Changes, Human Resources.

COURT ORDER NO. 2014-353-06-16

GENERAL DISCUSSION

5. AI-38320 Live Here Give Here presentation, Administrative Services.

Bruce Kendrick, President, and Derek Baker, Treasurer, Collin County Child Protective Services Board, came forward with the Live Here Give Here presentation. Mr. Baker gave an update on the progress of the 501c3 which is a tax exemption for nonprofit organizations. A CPS (Child Protective Services) Board is a nonprofit joint venture between county and state where the county appoints members to the Board. Within the CPS Board there is a separate 501c3. The status of the 501c3 had lapsed with the Secretary of State but was reinstated June 2, 2014 in good standing. There was no fine or fee associated in the lapse or reinstatement. The cause of the lapse was the Board not realizing the Secretary of State requires the filing of a nonprofit periodic report every three years. The Board has been updating the bylaws and crafting a separate set of bylaws for the nonprofit side. This is all in preparation of going forward with the Court's idea and promotion of Live Here Give Here. The Board has also obtained pro bono legal assistance from a local attorney who has experience with nonprofit organizations and CPS boards. The attorney is working with the Board on the procedures, bylaws and the Live Here Give Here process.

Mr. Kendrick stated he would like Live Here Give Here to be the foundation of fundraising efforts through the Board. The next steps are to determine Board priorities, focus and funding priorities. The Board is working with County funds for drug testing, legal fees, and clothing reimbursements but has yet to utilize nonprofit funds that are available. The CPS nonprofit side currently has \$130,000 in a money market account. The Board wants to strategically and wisely use those funds to make a distinguishable impact on the needs of children and families in Collin County. Prevention programs will help stop the cycle of children and families involved in the child welfare system.

Mr. Kendrick went on to say, on the nonprofit side, there is a budget of approximately \$25,000 that is spent and brought in on an annual basis. It has been decided to keep a \$25,000 buffer in the nonprofit account to be fiscally responsible and then expand into prevention, education and advocacy efforts through nonprofit organizations and CPS. The Board's desire is to better equip CPS to meet the needs of children and families in Collin County. Apart from determining priorities and focus, which will occur over the next two meetings, the Board will finalize the budget and individuals with fundraising expertise will be identified to assist the Board in fundraising efforts for new programs.

Mr. Kendrick stated the Board has been communicating with Eric Nishimoto, Public Information Officer, on Live Here Give Here but is seeking clarification from the Court to determine what functions and assistance Collin County will provide. Mr. Kendrick asked if the following are items the CPS Board should procure on their own or work on with the County: 1) web domain; 2) graphic design; 3) PSAs (Public Service Announcements) or any promotional marketing; 4) donation processing; and 5) any other guidance or limitations on Live Here Give Here. The Board wants to be strategic and promotive with Live Here Give Here and take the issue of foster care and the needs of children in Collin County from an offhand topic of conversation to something citizens and businesses of Collin County view as a true need.

Following a brief discussion Judge Self stated the CPS Board is a state sanctioned board at the county level; therefore, the County has a responsibility to determine the best way to properly support the Board. The CPS Board's input will be given on the schedule, the staff will develop it and the Court will make a decision during the budget process in September. The Judge thanked Mr. Kendrick and the CPS Board for bringing this item before the Court to begin to flesh out a more robust picture of how the Board wants to impact foster children in Collin County.

Commissioner Hill stated there is no doubt that North Texas, especially Collin County, has been richly blessed. In that, there is a responsibility to look after those in the community who are struggling and pass on those blessings. Often times we are quick to look to government to help care for others when we should be looking to neighbors, the private and the private not-for-profit sectors for help. The Commissioner said the CPS Board has a very unique opportunity because the Board in its design has a close marriage between the government side and the not-for-profit side. The Commissioner appreciated the Board for looking to shift those responsibilities to the not-for-profit side where appropriate and calling the citizens again to serve their community. (Time: 1:55 p.m.)

NO ACTION TAKEN

6. **AI-38351** Amended and Restated Interlocal Agreement with the City of Plano for funding through the 4th Series-2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG56) for the acquisition of property located in the Rowlett Creek Greenbelt (Los Rios Country Club) to allow the City to lease the property back to the current landowner for a maximum of five (5) years with a one (1) year extension and further authorize the County Judge to finalize and execute same, Special Projects.

Jeff Durham, Special Projects/Open Space, came forward to discuss the item. In October 2013 the Court agreed to fund the City of Plano's acquisition of 194 acres along Rowlett Creek Greenbelt which is the Los Rios Country Club. The City is proceeding with the land acquisition but has found that the property owner would like to lease the property back to use as a golf course for five years. After checking with the Bond Council it was found that participation in this type of venture was allowed. The item was brought before the Parks Foundation Advisory Board and the Interlocal Agreement was amended to allow for a leaseback of the property for the five-year period with an option for a one-year extension. If, at the end of that time period, the property remains a golf course, the City of Plano will give back the money that was provided to them by the County.

Mr. Durham stated the City of Plano is committed to turn this property into open space/greenbelt but does not have the resources or plans to do so at this time. The City is acquiring the land now in order to make improvements in the future. Possible future improvements are trails, off road bicycling and/or Frisbee golf. It will not be a golf course in the future. By acquiring the property now and leasing it back the City will not have to spend resources to maintain the property. This will allow the City to move forward with the planning process. Commissioner Williams stated that it is not uncommon for the Court to give cities the option to purchase parkland before they have completed plans or have funding in place. With that being said, Commissioner Williams moved to approve the item. Commissioner Webb agreed and stated that leasebacks are not uncommon on large acreage; this is done to lock in the purchase price.

Commissioner Hill appreciated the City of Plano for thinking ahead with the purchase of the property for future use. The Commissioner asked, because the County is funding a little less than 25% of the purchase price, if the County will enjoy roughly 25% of the leaseback. Mr. Durham stated that the leaseback is not for profit at \$1.00 per year. The value to the City is the savings of not having to maintain the property. This also puts the City in a better position to negotiate the purchase price as there are competing entities for the property. With no further discussion the item was approved. (Time: 2:10 p.m.)

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

COURT ORDER NO. 2014-354-06-16

7. AI-38391 BLM/EPA rejection of offer to be a Participating Agency, County Judge.

Judge Self asked for public comments.

Dee Dee Sukut, Wylie, came forward to ask the Court to not give in to the BLM (Bureau of Land Management). The BLM needs to leave the state; as Texans we can take care of ourselves. Ms. Sukut was concerned that the BLM is trying to sound like they know more than Texans do by making stories of geological changes and using large scientific terminology. Ms. Sukut wanted to make sure that someone in Austin is aware of what we as a county are facing with this federal agency trying to take over what the Corps of Engineers is already managing. (Time: 2:00 p.m.)

Cindy Meyer, Parker, came forward to urge the Court to decline the BLM's offer to become a cooperative agency. Ms. Meyer felt the terminology said it all with the BLM's rejection of the Court terms of becoming a "Participating Agency" and only offering the County to become a "Cooperative Agency".(Time: 2:01 p.m.)

With no further public comments, Judge Self asked the Court for comments.

Commissioner Reid voted against becoming a Cooperative Agency and still holds that position on the matter. The BLM will do what they want to do and will use the County's participation in the process as approval of efforts in which they want to engage. The Commissioner felt that the Court should still send out a letter or publication stating the Court's position on the issue. After what has been seen around the country the Commissioner does not trust the BLM.

Commissioner Hill stated the options the Court chose between were both unsatisfying. The Court approved the lesser of two evils and the BLM chose not to accept the Court's offer of becoming a Participating Agency. It is the Commissioner's opinion that Texas has always been best governed by Texans and this measure by the BLM is an overreach. It may be preferred to have a representative in BLM discussions but with the rejection of the Court's offer the Commissioner is not prepared to make a second offer to the BLM. Commissioner Hill does not stand in support of the BLM's offer to become a Cooperative Agency.

Commissioner Williams commented that she originally suggested the term "Participating Agency" because she rejected the BLM term "Cooperative Agency". Judge Self explained to the gallery that a publication was sent to the Court by the BLM titled "A Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners". The Judge stated that he had not seen this publication before this week and it did not change his opinion toward becoming a Cooperative Agency. It solidified the fact the BLM will be in charge, and by accepting the offer, will establish a new relationship which the Court wants to stay away from. Commissioner Webb stated that after reading the publication he agreed with Judge Self in rejecting the BLM's offer of becoming a Cooperative Agency. A motion was made to reject the BLM's offer to the Court to become a Cooperative Agency. (Time: 2:05 p.m.)

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

COURT ORDER NO. 2014-355-06-16

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

Commissioner Webb stated the RTC (Regional Transportation Council) meeting was primarily an informational meeting. Newly appointed officers for the upcoming year are: 1) Commissioner Mike Cantrell of Dallas County, Chair; 2) Judge Mark Riley of Parker County, Vice Chair; and 3) Mayor Ron Jensen of the City of Grand Prairie, Secretary.

One interesting item was the Federal Transit Administration Funding Changes. The changes will impact how some public transportation services are funded in the region. This item will be an action item at the next RTC meeting. Another interesting item was the Transportation Improvement Program Quarterly Update: East/West Equity and American Recovery and Reinvestment Act Status. So far this year the East side of the region has received a little more funding than the goal of 68%-32% split. Currently the split is at 70%-30%. Over the rest of the year more funding will be moved toward the West side of the region. Also, use of Transportation Development Credits continue to be a challenge to the RTC. Lastly, with no funding at the federal level there is now discussion on NCTCOG (North Central Texas Council of Governments) and funding for NCTCOG. There is money in reserve to fund internal staff of NCTCOG for a little under a year. Budgetary actions are being taken to maximize the ability to stay in existence. NCTCOG's budget process is in June and July.

Judge Self asked Commissioner Webb to update the Court on the SH (State Highway) 5 Context Sensitive Design. The Commissioner stated that the City of McKinney is working with TxDOT (Texas Department of Transportation) and the RTC to develop an integrated design to change the character of SH 5 through downtown McKinney. This would change SH 5 into a multimodal urban thoroughfare. There is a proposal to: 1) narrow the lanes from 12-feet wide to 11-feet wide; 2) convert one of the lanes into a park and bike lane; and 3) install a median with trees between the lanes. These changes would make that section of SH 5 more like a boulevard. If all the changes occur, Commissioner Webb projects the City of McKinney will use the TxDOT Turnback Program to take back that stretch of highway to no longer be subject to TxDOT maintenance and outreach. There was a brief discussion on this item being a pilot project with TxDOT for other state highways in downtown areas across the state and on the County's awareness of the reduction of mobility on this stretch of SH 5 to plan accordingly. (Time: 2:18 p.m.)

NO ACTION TAKEN

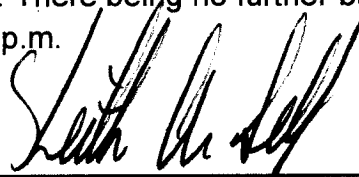
9. **AI-38083** Medicaid 1115 Update, Administrative Services.

NO ACTION TAKEN

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

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:19 p.m.



Keith Self, County Judge



Mark Reid, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

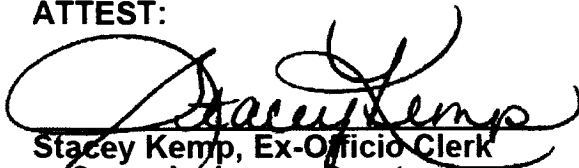


Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4

ATTEST:



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