

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 10, 2014

COUNTY OF COLLIN

On Monday, November 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 Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Reid 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 2:13 p.m. The meeting was reconvened at 2:21 p.m. and adjourned at 2:46 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:13 p.m. and adjourned the meeting at 2:14 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 2:14 p.m. and adjourned the meeting at 2:21 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-39092 Engagement Letter with Pattillo, Brown & Hill, LLP for the Community Supervision and Corrections Department Fiscal Year 2014 Audit, Auditor.
2. AI-39119 Budget amendment in the amount of \$4,846 to purchase ammunition, targets, eye and ear protection utilizing Fund 037 DA State Forfeiture, District Attorney.
3. AI-39141 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. **AI-39097** Addendum No. 1 to Detention Center Repairs and Renovations (IFB No. 2014-392) to make various changes to the Invitation For Bid, Purchasing.

3. **AI-39112** Change Order No. 1 to Roof Replacement for Wells Building Farm Museum (Contract No. 2014-172) with JJ Red Commercial Roofing LLC to add various Price Change Orders to the contract, Construction & Projects.

4. **AI-39102** Budget amendment in the amount of \$2,500 to establish the budget for the 2014 State Homeland Security Program (SHSP), Auditor.

2. Public Comments.

Barbara Harless, Murphy, came forward to address the Court regarding three agenda items pertaining to federal grant money for Homeland Security and the Texas Department of Public Safety. Ms. Harless is concerned that the federal government is building our debt when the County accepts this money. Judge Self said Dr. Kelley Stone, Homeland Security, would be happy to brief Ms. Harless on the UASI (Urban Area Security Initiative) grant funds totaling \$166,804 and any other questions she has on this issue. The Judge also said Ms. Harless brought up a good point because if the federal funds ever go away, it will be incumbent upon the Court to decide what changes need to be made. (Time: 1:42 p.m.)

3. Presentation/Recognition:

Judge Self presented Stacey Kemp, County Clerk, with the Records Management Best Practices Award from NACRC (National Association of County Recorders, Election Officials and Clerks). This is a national-level award recognizing the Collin County Clerk's Genealogy Corner which is a website dedicated to the history of Collin County. The website includes historical marriage licenses, school census records, birth and death record indexes, an interactive cemetery locator and a searchable database of past and present elected officials. The project was completed in three phases from 2010 to 2013. Ms. Kemp accepted the award on behalf of everyone that participated in this project which included Tonya Kellogg, Cece Leggieri, Vicki Toler, and Paul Rosales from Ms. Kemp's office, Caren Skipworth, CIO, Tim Nolan, Leisa Copin, Bala Palaniswamy, Steve Everett, Susan Whitaker, Bret Fenster and Gabi Voicu from the IT Department and Public Information Officer Eric Nishimoto. Ms. Kemp thanked the Court and the team. (Time: 1:36 p.m.)

Judge Self recognized and thanked Commissioner Mark Reid for his service for the past year. (Time: 1:36 p.m.)

a. Service Pins, Human Resources.

Jeff May, County Auditor, presented Shela Vinson, Second Assistant Auditor, with her 10-year service pin. (Time: 1:32 p.m.)

Judge Dan Wilson, County Court at Law 5, came forward to present Billy Powell, Court Officer, with his 20-year service pin. (Time: 1:32 p.m.)

4. Consent agenda to approve: Judge Self deleted item 4c3 and then asked for comments on the consent agenda. Commissioner Hill pulled 4d1 and Commissioner Webb pulled the check to Schindler Corporation and items 4f2a, b and c, 4f3, 4f6 and 4f7. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:43 p.m.)

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

a. AI-39108 Disbursements for the period ending November 4, 2014, Auditor.

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

COURT ORDER NO. 2014-858-11-10

A motion was made to approve the disbursement to Schindler Corporation. Commissioners Webb and Reid did not participate in the vote. (Time: 1:43 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 3 – 0 Passed
Abstained: Commissioner Duncan Webb and Commissioner Mark Reid

COURT ORDER NO. 2014-859-11-10

b. Award(s):

1. AI-39052 Professional Services, Geotechnical and Materials Testing (RFQ No. 2014-264), Purchasing.

COURT ORDER NO. 2014-860-11-10

c. Agreement(s):

1. AI-39093 Engagement Letter with Pattillo, Brown & Hill, LLP for the Fiscal Year 2014 audit and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2014-861-11-10

2. **AI-39069** Intergovernmental Lease Agreement with State of Texas, specifically, the Texas Health and Human Services Commission (HHSC) on behalf of the Texas Department of Family and Protective Services acting by and through the Texas Facilities Commission for office space located at 2100 Bloomdale Road, McKinney, Texas for a period of sixty months and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2014-862-11-10

3. **AI-39121** Agreement with Treasury Law Enforcement Agencies and Local, County and State Law Enforcement Agencies for the Reimbursement of Expenses and North Texas Financial Crimes Task Force Memorandum of Understanding with the Internal Revenue Service, Criminal Investigation (IRS-CI) and the Collin County District Attorney's Office to reimburse overtime and other expenses, District Attorney.

PULLED

4. **AI-39111** Interlocal Agreement with the City of Plano concerning the construction of Mapleshade Lane from Silverglen Drive to President George Bush Tollway (SH190) (2007 Bond Project No. 07-069), budget amendment in the amount of \$193,616 and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2014-863-11-10

d. Amendment(s):

1. **AI-39137** First Amendment to the Management Agreement with the Young Men's Christian Association (YMCA) of Metropolitan Dallas and further authorize the County Judge to finalize and execute same, Administrative Services.

Commissioner Hill pulled this item to have a separate vote. The Commissioner said some of his concerns were discussed in Executive Session and for transparency he would vote no on this item. With no further discussion, a motion was made to approve the item. (Time: 1:44 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 1 Passed
Nay: Commissioner Chris Hill

COURT ORDER NO. 2014-864-11-10

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

1. **AI-39109** October 20, 2014.

COURT ORDER NO. 2014-865-11-10

f. Miscellaneous

1. **AI-39106** Grant Application and Resolution/Internet Form for the FY2015 Indigent Defense Formula Grant through the Texas Indigent Defense Commission and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2014-866-11-10

2. **Sale of Struck Off Property to Glen Killian and further authorize the County Judge to finalize and execute the associated documents, County Judge:**

a. **AI-39123** Lots 6A, 7A and 8A in the Snapp-Lewis Addition, McKinney, Texas upon payment of \$4,500.

COURT ORDER NO. 2014-867-11-10

b. **AI-39125** Tract 129 in the William Davis Survey, McKinney, Texas upon the payment of \$5,000.

COURT ORDER NO. 2014-868-11-10

c. **AI-39126** Tract 130 in the William Davis Survey, McKinney, Texas upon the payment of \$4,000.

Commissioner Webb pulled items 4f2a, b and c because he has concerns regarding the value of these lots and does not feel confident about the information being provided in the Court packet as to whether or not this is in the best interest of the County. The Commissioner referenced a recent struck off property which was approved by the Court but the school district involved rejected the sale of the property to the bidder. The amount now offered for that same property has gone up significantly. Going forward the Commissioner wants more information in order to approve the sale of these properties.

Bill Bilyeu, County Administrator, explained when an offer is equal to or greater than the amount owed in taxes, if any entity accepts the offer, all accept it. Any amount over what is owed in taxes goes back to the owner or the owner's estate. If the bid is less than the taxes owed on the property, any entity can block the sale. Commissioner Williams confirmed that no entity can profit from the sale of the property. Mr. Bilyeu said other entities have these sales approved by the city manager or school board superintendent as long as the tax burden is met. Judge Self stated the Court should only be making decisions on the sales that don't meet the tax burden. Commissioner Williams suggested a policy allowing the County Administrator to approve the sales that meet the tax burden. The Judge added this as a future agenda item.

Since the sale of these three properties would meet the tax burden on each, there was no further discussion and a motion was made to approve all three. (Time: 1:48 p.m.)

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

COURT ORDER NO. 2014-869-11-10

3. **AI-39100** Utilization of the Bloomdale Courthouse for the Collin County Bar Association's Mock Trial Competition on May 15, 2015 from 7:30 a.m. to 4:00 p.m. and May 16, 2015 from 8:00 a.m. to 1:00 p.m. and further authorize the County Judge to finalize and execute the Hold Harmless Agreement. The Bar Association has agreed to pay for security and housekeeping services on Saturday, May 16, 2015, further request waiver of fees and insurance, Facilities.

Commissioner Webb pulled this item in order to restructure the wording on the Court Order. The Commissioner changed the third paragraph to read, "Thereupon, a motion was made, seconded and carried with a majority vote of the Court for approval to authorize the Collin County Bar Association to utilize the Bloomdale Courthouse for the Mock Trial Competition on May 15, 2015 from 7:30 a.m. to 4:00 p.m. and May 16, 2015 from 8:00 a.m. to 1:00 p.m. and further authorize the County Judge to finalize and execute the Hold Harmless Agreement and to waive fees and insurance requirements. The Collin County Bar Association will pay fees required for security and housekeeping services on May 16, 2015. Same is hereby approved in accordance with the attached documentation."

With no further discussion, a motion was made to approve the item with the changes made. (Time: 1:52 p.m.)

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

COURT ORDER NO. 2014-870-11-10

4. **AI-39101** Acceptance of the 2014 Sub-Recipient Award of the Homeland Security Grant Program (HSGP) Urban Area Security Initiative (UASI) grant funds with the Texas Department of Public Safety in the amount of \$166,804.91 and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2014-871-11-10

5. **AI-39114** Acceptance of the FY2015 Public Health Emergency Preparedness (PHEP) Supplemental Grant in the amount of \$34,320; Contract No. 2015-047207 with the Texas Department of State Health Services (DSHS) beginning October 1, 2014 through and including June 30, 2015, Homeland Security.

COURT ORDER NO. 2014-872-11-10

6. **AI-39096** Continued use of storage space at the Bloomdale Courthouse by Public Health Emergency Preparedness at no cost to store supplies needed in the event of a pandemic or outbreak event in Collin County, Homeland Security.

COURT ORDER NO. 2014-873-11-10

7. **AI-39135** Termination of the Lease Agreement with the Collin County Health Care Trust Foundation and Collin County Homeland Security for property located at 920 East Park Boulevard, Plano, Texas, Homeland Security.

Commissioner Webb pulled both 4f6 and 4f7 to find out why the lease that had just been approved in the last budget was being terminated. Dr. Kelley Stone, Homeland Security, said in one agenda item they are asking the Collin County Health Care Trust Foundation to forgive everything remaining on the lease at the 920 East Park Boulevard location and the second item is asking for relief on the lease at the Bloomdale Courthouse where the supplies used for emergency preparedness are being stored.

Dr. Stone explained they begin working on the Public Health Emergency Preparedness grant in July and it is received in August before pay raises are determined. This was miscalculated and they are approximately \$16,000 under funded. Also, the state limits how much can be spent in the last two months of the grant. Therefore, they are asking the Court to allow them to continue to store supplies that would be used for emergency preparedness in Collin County in the courthouse at no cost.

Commissioner Webb asked what the ramifications would be if these were not approved. Dr. Stone said they would have to furlough employees or cut back on state-required training meetings. Judge Self said it's a matter of choosing salaries over storage costs. With no further discussion, a motion was made to approve both items. (Time: 1:56 p.m.)

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

COURT ORDER NO. 2014-874-11-10

8. **AI-39113** Payment plan with the City of Anna to upgrade East Fork Circle, Public Works.

COURT ORDER NO. 2014-875-11-10

9. **AI-39098** 2014 Tax Roll, Tax Assessor Collector.

COURT ORDER NO. 2014-876-11-10

10. **AI-39072** FY 2015 Compensation Plan, Human Resources.

COURT ORDER NO. 2014-877-11-10

11. **AI-39142** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-878-11-10

12. AI-39143 Personnel Changes, Human Resources.

COURT ORDER NO. 2014-879-11-10

GENERAL DISCUSSION

5. AI-39083 Presentation of monthly/quarterly statistics, District Attorney.

Judge Greg Willis, District Attorney, addressed the Court on the CAC (Crimes Against Children) division by walking the Court through a recent case in which three young girls were repeatedly molested by a male adult living in the home. The DA explained the investigative procedures and intricacies of forensic interviews with children. These cases involve a CAC prosecutor, CPS (Child Protective Services) prosecutor, detective, CPS investigator, CPS case worker, counselors and therapists to ensure that the children are properly protected.

The CAC division uses vertical prosecution which means from the ground up the prosecutor is involved and gets to know the victim and understand the family's situation. This builds rapport with the prosecutor making the victim feel safe and more likely to tell what happened. In 2014 CAC prosecutors tried more cases than ever before and these trials, which include two prosecutors, typically last about a week. Most cases do not get resolved on appeal and approximately 20% of the cases in 2014 were resolved through a jury trial with 80% being plea bargained. (Time: 2:13 p.m.)

NO ACTION TAKEN

6. AI-39149 Board/Committee Appointments, Commissioners Court:

a. LifePath Systems Board

b. Park Foundation Advisory Board

A motion was made to re-appoint Mary Dell Green to the LifePath Systems Board and to re-appoint Mark Palmer to the Park Foundation Advisory Board. (Time: 2:13 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

COURT ORDER NO. 2014-880-11-10

7. AI-38856 84th Legislative Agenda for 2015, Commissioners Court.

Bill Bilyeu, County Administrator, said there is a luncheon planned with the Collin County delegation and an email has been sent to all department heads and elected officials asking for additional feedback on any legislative items they would like to see. Mr. Bilyeu also pulled the platforms from the 83rd Legislative Session and added new ones that the Court has talked about since then.

Mr. Bilyeu listed the 20 proposed legislative issues for the 84th Legislature.

1.) The first is electronic circulation of Court records including electronic signatures and acknowledgements. Anything that can go electronic, the Court would like to go electronic.

2.) Commissioners' Court approval prior to the creation or expansion of a special district. Commissioner Williams said the Court does not have any zoning regulations so input is all the Court needs. Approval may be outside the bounds of what the Court should be asking for. Commissioner Webb would like the Court to not only have knowledge of what's going on, but also to have a say in it. There was a brief discussion as to whether the Court should have input or approval regarding special districts and zoning concerns. Judge Self said the Court's concern should be establishing who will provide the services for the special district. The Judge asked Mr. Bilyeu to reword this item to make sure services are provided.

3.) To commit a higher percentage of the State Budget to transportation spending.

4.) With the exception of constitutionally required diversions, appropriate 100% of gas taxes to transportation infrastructure improvements and maintenance.

5.) Support mental health services and funding for Collin County residents. The state needs to have a higher priority and support the services specifically for Collin County residents. Commissioner Williams said there will be more specifics for this as these priorities are developed.

6.) To amend Chapter 313 of the Transportation Code to give Commissioners' Court authority to adopt a fee to offset the impact of utility construction that crosses county roads. Commissioner Williams said cities already have the ability to collect these fees.

7.) A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government. This has been on the list for multiple sessions.

8.) An issue pulled from CUC (Conference of Urban Counties) last session which requires TxDOT (Texas Department of Transportation) to adopt rules creating funding formulas for highway projects utilizing input from planning organizations, transportation officials and local government officials.

9.) A Requirement for the jail standards to be consistent between the State and County facilities.

10.) To encourage the development and adoption of a statewide updated water management plan.

11.) Alternate uses for LIP (Local Initiative Project) and LIRAP (Low Income Repair Assistance Program) funds such as engineering or construction of turn lanes, heavy equipment fuel conversions or other projects that will result in better air quality.

12.) To fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program. Mr. Bilyeu said this is one of those magic funds that is used to balance the budget. Judge Self suggested strengthening the language to state the funds should be spent on the program they are collected for and within a reasonable period of time.

13.) To provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities. Commissioner Williams said noise is by far the number one complaint that she receives from her constituents.

14.) The State should fully fund the pay for visiting judges in the state district courts. Mr. Bilyeu said this issue has zero likelihood but it was on the list last session. Commissioner Webb suggested taking out the word "visiting" and make it "fully fund the pay for judges in the state district courts."

15.) To reduce the waits at DPS (Department of Public Safety) driver's license offices and encourage the creation of a megacenter in Collin County.

16.) To require TCDRS (Texas County and District Retirement System) to provide a two-tiered or multi-tiered retirement system. The County wants to operate two structures, one for existing employees and the second for new employees.

17.) The Medicaid 1115 waiver effect on counties. Judge Self said there needs to be a policy on waiver year six.

18.) To oppose the creation or adoption of any new CDAs (Comprehensive Development Agreement) that would result in an expansion of private or public-private toll roads in the State of Texas.

19.) Request that the legislature authorize and require counties and cities to enter into enforceable ETJ (Extraterritorial Jurisdiction) permit agreements in the same manner as previously authorized by House Bill 1445 from the 77th Legislative Session.

20.) To set campaign sign standards for publicly owned polling places.

Mr. Bilyeu received feedback on a few other issues. Cynthia Jacobson, Human Resources, proposed working on legislation that makes the County equal to a private employer when it comes to unemployment insurance.

Andrea Thompson, District Clerk, said there is no mechanism for removing court costs, fines and fees from the books when a person has been convicted. These fines and fees can remain on the books even after the person is deceased. Commissioner Webb said there needs to be a state law mechanism to do this.

Finally Judge Corrine Mason, County Court at Law 1, said in misdemeanor courts someone with repeat DWI offenses loses their license completely. This person then cannot get to work. An occupational license allows them to have a license just to get to and from work. Judge Mason is asking Commissioners' Court support to change this.

Mr. Bilyeu said they will continue to add to the list of legislative issues and there will be a workshop which will include a round table discussion. All elected officials will be invited. Commission Webb would like to add an item to authorize the County to use electronic court reporting or share court reporters for any future courts. There are some court reporters that make more than district judges and this would be a nice savings to the County. (Time: 2:46 p.m.)

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


Judge Self added the sale of struck off property as a future agenda item.


EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:46 p.m.



ATTEST:


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



Keith Self, County Judge

Not Present

Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2



Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4