

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 20, 2014

On Monday, October 20, 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 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.

President Self called to order the meeting of the Collin County Health Care Foundation at 3:09 p.m. and adjourned the meeting at 3:09 p.m.

FYI NOTIFICATION

1 AI-34688 Outstanding Agenda Items, Commissioners Court.

2. Public Comments.

Meg Titus, Plano, came forward to introduce herself. Ms. Titus is a representative of the (LWV) League of Women Voters of Collin County. She stated she was in attendance because the LWV has a policy to observe all levels of government. The LWV is a nonpartisan political organization that publishes voter guides, holds candidate nights and takes positions on various issues. One issue the organization has a strong position on is transportation. Ms. Titus suggested the Court may want to invite the president of LWV to speak on their position. (Time: 1:33 p.m.)

3. Presentation/Recognition:

a. Service Pins, Human Resources.

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Webb pulled item 4c2 for discussion. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 3:08 p.m.)

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

a. AI-39026 Disbursements for the period ending October 14, 2014, Auditor.
COURT ORDER NO. 2014-790-10-20

b. AI-39008 Tax refunds totaling \$11,505.49, Tax Assessor Collector.
COURT ORDER NO. 2014-791-10-20

c. Award(s):

1. AI-38956 Construction, Collin County Walking Trail (IFB No. 2014-261) to North Rock Construction, LLC, budget amendment in the amount of \$436,000 and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

COURT ORDER NO. 2014-792-10-20

2. AI-38965 Telecom 2014 Cisco Voice Upgrade (RFP 2014-208), Information Technology.

Commissioner Webb pulled this item because the recommended provider had the highest score but did not have the lowest cost. He asked Caren Skipworth, CIO, what went into the selection process and what the issues were with the lowest bidder. Ms. Skipworth stated the evaluations of the Request for Price process proved the recommended provider had better references and better technical specification and support for the team. They also gave a better demonstration of what will be performed on the job. With no further discussion, a motion was made to approve the item. (Time: 3:08 p.m.)

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

COURT ORDER NO. 2014-793-10-20

3. AI-38999 Professional Services, Surveying (RFQ No. 2014-265), Purchasing.
COURT ORDER NO. 2014-794-10-20

d. Agreement(s):

1. **AI-38924** Interlocal Agreement with the City of Melissa (Agreement No. 2014-299) for road and bridge improvements and further authorize the County Judge to finalize and execute same, Public Works.

COURT ORDER NO. 2014-795-10-20

e. Ratification of the County Judge's prior approval:

1. **AI-39019** Automatic renewal of the Title IV-E County Child Welfare Services (Contract No. 23939923) with the Texas Department of Family and Protective Services for reimbursement of foster care expenses for the FY2015 CPS cases through and including September 30, 2015, Auditor.

COURT ORDER NO. 2014-796-10-20

2. **AI-39020** Automatic renewal of the Title IV-E County Legal Services (Contract No. 23939924) with the Texas Department of Family and Protective Services for the reimbursement of county legal services for the FY2015 CPS cases through and including September 30, 2015, Auditor.

COURT ORDER NO. 2014-797-10-20

f. Receive and File, Auditor:

1. **AI-38997** Monthly Financial Report for August 2014.

COURT ORDER NO. 2014-798-10-20

g. Miscellaneous

1. **AI-39023** Re-appointment of Jason Browning as the Collin County Fire Marshal for a two year term, Administrative Services.

COURT ORDER NO. 2014-799-10-20

2. **AI-39005** Grant application for the FY2015 BB Owen Trust Grant in the amount of \$24,249 through the BB Owen Trust, Auditor.

COURT ORDER NO. 2014-800-10-20

3. **AI-39006** Grant application for the FY2015 Eugene McDermott Foundation Grant in the amount of \$9,401 through the Eugene McDermott Foundation, Auditor.

COURT ORDER NO. 2014-801-10-20

4. **AI-39003** Grant application for the FY2015 Target Public Safety Grant in the amount of \$4,818 through Target: McKinney SW Super Target T-2142, Auditor.

COURT ORDER NO. 2014-802-10-20

5. **AI-39004** Grant application for the FY2015 Target Public Safety Grant in the amount of \$4,977 through Target: Plano West Super Target T-1764, Auditor.

COURT ORDER NO. 2014-803-10-20

6. **AI-39017** Re-designation of Private Road 5614 to Forest Trail (with associated updates), GIS/Rural Addressing.

COURT ORDER NO. 2014-804-10-20

7. **AI-39002** Re-designation of Private Road 5616 to Schmoldt Way (with associated updates), GIS/Rural Addressing.

COURT ORDER NO. 2014-805-10-20

8. **AI-39029** Personnel Appointments, Human Resources.

COURT ORDER NO. 2014-806-10-20

GENERAL DISCUSSION

5. **AI-39014** Indemnification for the District Clerk in the amount of \$10, Auditor.

Jeff May, County Auditor, received a request from the District Clerk for indemnification for collecting a counterfeit ten dollar bill. After looking into the matter it has been determined there was no negligence or criminal action on the part of the elected official. It is believed to be appropriate for the Commissioners' Court to reimburse the District Clerk if chosen to do so.

Commissioner Webb stated he was disappointed in the completion of the forms by the District Clerk. The Commissioner would have liked to see more information on current controls and back up. Commissioner Hill also stated he would have liked to see more from the District Clerk.

Andrea Thompson, District Clerk, stated part of the problem was asking to provide information from a loss that occurred before this policy and form were available. There is little that can be done to avoid loss particularly in small denominations. The clerks use special pens and visual cues from the Secret Service to help detect counterfeit currency; however, the pens do not necessarily work. They do, however, provide a visual deterrent in passing counterfeit bills.

There was a brief discussion on the use of counterfeit detection machines, detection pens as a deterrent and training. Counterfeit detecting machines on the market cost approximately \$300 each. Because the loss equals \$30 over the last three years Ms. Thompson does not feel the loss justifies the cost per machine for each terminal. The detection pens are an inexpensive tool that can deter a person in line from passing a counterfeit bill. A future possibility to alleviate this issue is to stop accepting cash as a form of payment.

Ms. Thompson stated the Secret Service was brought in this month for staff training on this issue. Along with the District Clerk's office, the County Clerk's office and members of the Auditor's office participated in the training.

Commissioner Webb was interested in the written policies and procedures that are in place related to this issue. Ms. Thompson said she can provide the Court with the written policy. Commissioner Webb stated the Court has to determine that the District Clerk's policies and actions are not negligent. This has to be done by looking at the policy, how that policy is communicated to the employees and how follow up is done with the employees to ensure they are following and implementing it. Judge Self requested that Ms. Thompson include her written policy in the packet that is submitted to the Court if/when another counterfeit bill is taken in. Commissioner Webb agreed and said his issue is with the long term procedure. If this becomes a recurring issue, questions to the official will be more informative on what actions have been taken to prevent loss. Ms. Thompson said the next steps will be a tremendous expense in terms of time or money. Feedback will be needed from the Court on where the tipping point will be. With no further discussion, a motion was made to approve General Discussion item 5 and General Discussion item 6. (Time: 3:01 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 5 - 0 Passed

COURT ORDER NO. 2014-807-10-20

6. AI-39013 Indemnification for the District Clerk in the amount of \$20, Auditor.

COURT ORDER NO. 2014-808-10-20

7. AI-39012 Indemnification for the Sheriff's Office Inmate Trust Fund in the amount of \$60, Auditor.

Jeff May, County Auditor, stated Sheriff Box has requested indemnification in the amount of \$60 for three counterfeit twenty-dollar bills collected in the inmate trust fund. A motion was made to approve the item. (Time: 3:02 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2014-809-10-20

8. AI-38915 Utilization of 2007 Transportation Discretionary Bond Funds, Engineering.

Clarence Daugherty, Engineering, stated this bond program identified \$15 million for discretionary use by the Commissioners' Court from the 2007 bond election. There have been additional savings from projects that has added to the number for a total of a little more than \$20 million. In 2013 the Commissioners' Court had discussions on implementing a policy to address discretionary funds. It was concluded at the beginning of this year that there would not be a policy, but direction would be given to staff to issue a call for projects to the cities. The submitted projects would then be ranked using the same criteria used for the RTR (Regional Toll Revenues) evaluations. The process was delayed in order to receive the 2014 Mobility Plan update. The projects have now been ranked and have been submitted to the Court for approval.

Tracy Homfeld, Engineering, gave a brief run down on the basis of the ranking. There was \$100 million in projects compiled from the cities. The projects selected to go through the matrix criteria process were chosen based on the following criteria: 1) the project had to be on the County's thoroughfare plan; 2) the city must have matching funds available or identify that matching funds would be available at the time funds would be allocated; and 3) the project be within three years or less. Once the projects were selected, a set of the matrix criteria was created. The matrix criteria were based on requested funding, stage of project, city priority, congestion, economic development and increased mobility.

Judge Self asked why there was so little overlap between the 2020 map of the Mobility Plan and this list. Mr. Daugherty explained the project call went out independent of the Mobility Plan. There was not a basis that projects had to be a part of the list of the Mobility Plan. Judge Self asked Mr. Daugherty what purpose the Mobility Plan serves. Mr. Daugherty said the main purpose of the Mobility Plan is to provide a long-range vision for the County of what is needed in the way of transportation. Commissioner Williams stated she thought the Mobility Plan would play into the selection process because areas of congestion and future problems were identified. Mr. Daugherty said the main thing looked at in the selection process was the proximity and ability of any of the projects to help with mobility on the major roadways that have a lot of congestion. They were not compared to the 2020 list of projects. These are short-term projects and could be let for construction within three years.

Judge Self asked how many of the projects are eligible for state match. Mr. Daugherty did not believe any are eligible for state match. These projects will be city and county dollars. Judge Self stated Plano has been the big donor city throughout the bond elections and asked why there are no Plano projects on the list. Mr. Daugherty explained that Plano did not submit on their own initiative. They felt they had enough projects in the pipeline that they did not need to be asking for anything else at this time. (Time: 1:43 p.m.)

Judge Self opened the meeting to public comments at 1:43 p.m.

Mayor Brian Loughmiller, McKinney, stated he submitted a letter of support for the list of projects to the Court last Friday signed by several mayors of Collin County including the mayor of Plano. Mayor Loughmiller said the reality is that a lot of projects on McKinney's thoroughfare plan were not on the 2020 Mobility Plan. Cities have all submitted plans based on the criteria provided. The Mayor said there are other issues that are being dealt with such as US 75, US 380 and other major roads. He appreciated that fact but as the Mayor of McKinney he believed those issues need resolution through the state and TxDOT (Texas Department of Transportation). There is an immediate need for the projects in the cities that directly impact the ability to bring economic development and mobility to the community and quality of life of the citizens. Mayor Loughmiller requested the Court use the discretionary bond funds for the projects based on the project list submitted.

Judge Self asked the Mayor to speak on the fact that the FM 546 project which is vitally important to McKinney and the airport did not make the list where the Virginia project did. Mayor Loughmiller stated FM 546 is McKinney's number one project. FM 546 and FM 543 were ranked higher than Virginia on the city's priority list. The city ranking criteria was different than the County's criteria. But if the County funds Virginia it will be built using the allocated funds as opposed to losing the funds. Mayor Loughmiller said if the expansion of the airport with commercial services is to be done, circulation around the airport is a must and FM 546 will need to be built. He stated FM 546 is approximately \$8 million and Virginia is \$4 million. The overall project cost for FM 546 is \$20 million. Mayor Loughmiller said he was unaware of anyone coming back to the city discussing whether or not a \$4 million application to FM 546 would allow the city to find another funding source to make up the gap.

Judge Self stated the issue of tolling is coming along and asked Mayor Loughmiller if he would support tolling on the major highways if the state and the federal government do not settle the funding issue. Mayor Loughmiller stated this is a different issue for different municipalities. For example, the lanes on US 75 through McKinney are all free lanes. There is not an HOV (High-Occupancy Vehicle) lane or a managed occupancy vehicle lane. The Mayor does not believe the city council would agree to taking a free lane and converting it to a toll lane because the city council has passed resolutions in the past not supporting that type of conversion. In regards to the HOV issue, the Mayor understands that there are impediments at the federal level in converting an HOV lane to a single occupancy managed lane or a free lane because the dollars are tied to the high-occupancy status. The reality is Proposition 1 is coming up; however, that will not solve the issue completely. He stated other options can be looked at rather than tolling.

The Mayor was asked if it were the decision of the Court to shift the funding to FM 546, would he, as mayor, support the shift. Mayor Loughmiller stated he would support the shift as long as McKinney did not lose the opportunity to build something; however, this is a decision that requires a consensus of council. (Time: 1:58 p.m.)

Commissioner Hill stated in looking at the matrix the Virginia Parkway project was graded the score of 43 and FM 546 was scored 42. The scores are close but the funding requested was significantly different. If the city had changed the funding for FM 546 down to \$4 million, would that have changed the score? Mr. Daugherty said that could have changed the scoring; however, there have been discussions with TxDOT on a lot of projects. TxDOT believes if Proposition 1 passes, it will be able to fund FM 546. Mr. Daugherty recommended approving the list as it is. Judge Self stated TxDOT does not make funding decisions for the County; the RTC (Regional Transportation Council) does. Commissioner Williams said that the RTC does have FM 546 on their horizon. The Commissioner is not opposed to the switch but there could be the possibility of getting two projects done by leaving the list as it is. Ms. Homfeld said if the funding gap was not met by TxDOT, the Court could entertain moving the \$4 million over to FM 546. Judge Self stated the policy under the whole bond is that once the funds are allocated to a city the funds usually stay with the city where they can move it.

Commissioner Reid said one issue is leveraging the County money. There is the possibility the \$4 million could be leveraged better if allocated to a different project if state funding is received on top of city funding. This is something to consider to maximize the use of the money. Mayor Loughmiller stated the city council voted to support funding of Virginia based on the list, but if the opportunity is given by the Court to move the funds in the future, a discussion can be held with the city council.

Commissioner Webb stated he is concerned with cities moving funds around after they are allocated. The Commissioner is not willing to do that because a lot of time and effort by Engineering has been spent on this process. The Commissioner is willing to approve the project list as it is with the understanding that if there is a change with the state, McKinney can come back and request the shift. This is only because the discussion is taking place now before implementation. Commissioner Williams said because FM 546 is the first project below the funding line she agreed with Commissioner Webb. (Time: 2:06 p.m.)

Mayor Maher Maso, Frisco, stated that when the citizens voted on this bond issue they did not intend for the money to go to tolls or other uses. They always believed what Collin County has done to be very effective in leveraging money among the cities. Sometimes that is done unequally but city leaders understand that is because of the different needs of the cities. The criteria list used is good and based on needs. It is intended to leverage what resources the cities have along with what resources the voters have given the cities and County. Mayor Maso agreed once criteria are set, it should be followed. Cities sometime run into problems and they can come back to the Court to address those problems. The cities support the letter sent to the Court by Mayor Loughmiller and support the criteria list. Mayor Maso encouraged the Court to pass the proposed project list.

Judge Self said of the funds that were allocated to the cities in the last bond election the highest percentage went to Frisco. If future bond elections are held, will Frisco be willing to become a donor city for the smaller cities? Mayor Maso said Frisco has been a donor city. Frisco's position is that the needs will be met in the areas that have the most need. Plano has been and will most likely remain one of the big donor cities for the near future. With that being said, Frisco has had no problem with Plano putting money into Preston Road because Frisco residents use it as well as other communities. The Mayor believes the cities are on the same page for funds going unequally to communities that have more need as long as those communities participate and are wise with the funds.

Judge Self asked Mayor Maso if the state and federal government do not come through in the next legislative session, will he support tollways on major highways; at least tolling on US 75. Mayor Maso stated that tolls have a place; however, the state and federal responsibility has been abdicated. He does not believe in funding roads that are their responsibility if they do not at least make an attempt. Tolling is not the answer for the County's roadway needs everywhere. Because Collin County has stepped up with funding SH 121 and providing RTR funds for other roads, the state has de-allocated money from the area. They see that Collin County can get more money out of the taxpayers. The state and federal officials need to be held accountable in regards to transportation. The communities and County need to stand steadfast and be vocal as a team to get the funding the state is obligated to use. Mayor Maso stated a solution needs to be found but believed the residents and bond dollars can make more of an impact countywide rather than trying to address that one road. (Time: 2:15 p.m.)

Judge Self closed public comments at 2:15 p.m.

Judge Self showed a formula funding chart for 2007 that was prepared by TxDOT in August 2014. The chart showed state funding and local funding. The Judge highlighted the RTR dollars that the citizens will pay in tolls on SH 121 over the next 50 years. The chart showed that the County has spent a lot of toll dollars and has not been required to contribute tax dollars for tolling. But in the future city and county dollars will have to go toward matches on major highways even if aid is received from the state. The Judge shared possible future scenarios for leveraging discretionary funds. A normal 20/50% local/state match of \$50 million discretionary funds could be leveraged to \$250 million; whereas an abnormal 40/60% match could leverage \$50 million to \$125 million.

Commissioner Webb supports allocating funds as presented and was in support of the 50/50 partnership. The Commissioner stated he is not willing to let the citizens be the ones to fund all the transportation needs for this county when the responsibility lies with the state and federal government. If the state is allowed to keep the perception the County is wealthy, they will continue to take resources away and think the County will pay. The Commissioner made a motion to approve the project list.

Following the motion Commissioner Williams stated during the 2007 bond election the information sent out and posted for the voters showed the intent of use for the discretionary dollars. The funds were to be used for city and county partnerships. The Commissioner is not inclined to do anything different with the discretionary bond funds other than what was indicated by the literature provided to the voters. Commissioner Williams seconded the motion.

After the motion was seconded there was discussion on taking the tolling decision to the voters as a bond issue. The voters need to be asked if they want to take on this burden and the cost of the expansion needs to be made clear to them. Because the 2007 bond issue was passed for \$385 million it is believed that a \$500 million bond issue should not be unreasonable considering the major growth of the County. The issue there will be that bond elections have traditionally involved a 50/50 partnership and have not been used for major highways. If it is decided to bond fund \$500 million for the major thoroughfares in order avoid tolling, the cities will have to understand that the County will not have those dollars available for local participation in the future. The County does not want to burden the citizens but the reality is the citizens will be burdened by either decision. Tolling will burden the citizens and a bond issue will burden the citizens.

Judge Self stated he appreciated the discussion because it has brought out the fact that there are tough decisions ahead. The Judge supports the list of projects presented but encouraged everyone to be prepared for the future. The Court has to now convince the state that they have responsibilities here in Collin County they are not fulfilling. The Court thanked the city leaders for their participation in the discussion. With no further discussion, the item was approved. (Time: 2:43 p.m.)

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

COURT ORDER NO. 2014-810-10-20

9. AI-39045 Resolution Supporting the Sunset Advisory Commission Staff Report on HHSC, Commissioner Precinct 2.

Commissioner Webb stated he is in support of the resolution but wanted to correct a typo and change the verbiage to read correctly. Commissioner Williams said the Court needs to support the resolution and get it to the Sunset Advisory Commission as soon as possible. With no further discussion, a motion was made to approve the letter and corrected resolution. (Time: 3:04 p.m.)

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

COURT ORDER NO. 2014-811-10-20

10. AI-38083 Medicaid 1115 Update, Administrative Services.

Bill Bilyeu, County Administrator, stated that he and Judge Self met with the PIA (Public Information Associates) consultants on the 1115 waiver last week. HHSC (Health and Human Services Commission) has requested more money to be pulled down from the federal government to focus on Veterans and mental health programs. PIA has reached out to all participants especially on the mental health side to see what IGT (Intergovernmental Transfer) money is available to be matched. Some of the providers have heard from the 1115 people saying they will be audited. These will be spot audits and the majority of the providers should not have any issues. (Time: 3:05 p.m.)

NO ACTION TAKEN

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

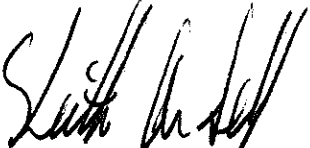
NO ACTION TAKEN

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

Commissioner Williams would like to have an update from the North Texas Municipal Water District and hear their concern with the difficulty in receiving permits for reservoirs from the state. Commissioner Webb would like to discuss the bond issue on 50/50 funding. (Time: 3:07 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 3:09 p.m.

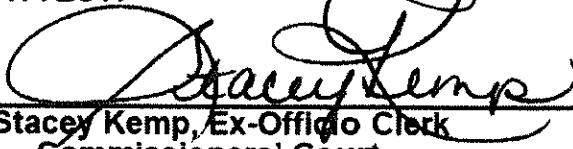

Keith Self, County Judge


Mark Reid, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Chris Hill, Commissioner, Pct. 3
ATTEST:


Duncan Webb, Commissioner, Pct. 4


Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S