COURT ORDER NO. 2009 - 264 04-06

THE STATE OF TEXAS **COMMISSIONERS COURT MINUTES**

COUNTY OF COLLIN **FEBRUARY 2, 2009**

On Monday, February 02, 2009, at 9:30 a.m. the Commissioners' Court of Collin County, Texas, met in regular session with the following members present, and participating, to wit:

Present: Judge Keith Self
Commissioner Prct 1 Matt Shaheen
Commissioner Prct 2 Jerry Hoagland
Commissioner Prct 3 Joe Jaynes
Commissioner Prct 4 Kathy Ward

Commissioner Jaynes led the Invocation.

Commissioner Ward led the Pledge of Allegiance.

Judge Self led the Pledge to the Texas Flag.

President Self called the **Collin County Health Care Foundation** meeting to order at 9:30 a.m. and adjourned at 9:33 a.m.

COMMISSIONERS COURT MEETING

ITEM NO. 1 Judge Self convened the **Collin County Commissioners Court** meeting to order at 9:33 a.m. and adjourned at 1:58 p.m.

ITEM NO. 2 Public Comments. Public comment was heard under General Discussion item number 10 regarding NACo's posting of a Public Affairs Special Projects Coordinator position.

ITEM NO. 3 Presentation/Recognition:

a. Service Pins to employees with 10, 15, 20 and 25 years of service in the month of February, Human Resources.

b. AI-29654 Caren Skipworth for being named the 2009 Texas CIO (Chief Information Officer) of the Year, Commissioners Court. Judge Self presented Caren Skipworth, Director of Information Technology, with an award naming her Chief Information Officer (CIO) of the year as awarded by the State of Texas.

4. Consent agenda to approve: Judge Self asked if any member of the Court or any member of the audience would like to have an item pulled off the consent agenda for individual consideration. Commissioner Hoagland requested item 4d1, Commissioner Shaheen requested item 4h1 and Commissioner Jaynes requested item 4i1. Motion to approve the balance of the consent agenda.

Motion By: Commissioner Prct 2 Jerry Hoagland, Second By: Commissioner Prct 3 Joe Jaynes

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

a. Filing of the February 2, 2009, Regular Agenda.

Court Order No. 2009-081-02-02

b. AI-29620 Disbursements for the period ending January 27, 2009, Auditor.

Court Order No. 2009-082-02-02

c. AI-29622 Tax Refunds totaling $524,014.42, Tax Assessor Collector.

Court Order No. 2009-083-02-02

d. **Award(s):**

1. AI-29569 Striping, Roads and Parking Lots (IFB No. 10150-09) to Striping Systems, Inc. (SSI) for Road Striping and Stripe-A-Zone, Inc for Parking Lot Striping (budgeted), Public Works. Commissioner Hoagland asked for clarification on parking lot striping. He wanted assurance this cost was not for the current location as it is scheduled to move in April. Jon Kleinheksel, Public Works, responded by saying that this was not for the McDonald Street facilities. Motion to approve.

Motion By: Commissioner Prct 2 Jerry Hoagland Second By: Commissioner Prct 1 Matt Shaheen

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-084-02-02

2. AI-29615 Professional Services, Development of Regional Trail Plan for Collin County (RFQ No. 10076-09) and further authorize the Purchasing Agent to negotiate the agreement for same (budgeted), Special Projects.

Court Order No. 2009-085-02-02

e. **Agreement(s):**

1. AI-29623 Interlocal Agreement with the City of Frisco for the construction of Improvements to Independence Parkway from SH 121 to Main Street (2003 Bond Project No. 03-069) and further authorize the County Judge to finalize and execute same (County's portion NTE $5,000,000 - budgeted), Engineering.

Court Order No. 2009-086-02-02

2. AI-29625 Interlocal Agreement with the City of Plano for the widening of Independence Parkway from McDermott Road to SH 121 (2003 Bond Project No. 03-059) and further authorize the County Judge to finalize and execute same (County's portion NTE $800,000 - budgeted), Engineering.

Court Order No. 2009-087-02-02

3. AI-29627 Interlocal Agreement with the City of Plano for the widening of Alma Drive from Spicewood Drive to Rowlett Creek (2003 Bond Project No. 03-064) County's portion NTE $400,000 and further authorize the County Judge to finalize and execute same, Engineering.

Court Order No. 2009-088-02-02

4. AI-29608 Grant exemption from the competitive bidding process per VTCA LGC 262.024(a)(7)(A) items for which competition is precluded because of the existence of patents, copyrights, secret processes or monopolies; approval of a Proprietary Maintenance Agreement with ProTech Data, Inc. (RFP No. 91-01-006) for Software: Tax System in an annual amount of $38,700 and further authorize the Purchasing Agent to finalize and execute same (budgeted), Information Technology.

Court Order No. 2009-089-02-02

f. **Amendment(s):**

1. AI-29624 No. 1 to Professional Services, Engineering for Bridges CR 408 over Bomars Branch (2 Structures) (Contract No. 08624-08) with Binkley and Barfield to add surveying services to the contract for an increase of $3,400 and further authorize the Purchasing Agent to finalize and execute same (budgeted), Engineering.

Court Order No. 2009-090-02-02

2. AI-29628 No. 2 to Professional Services, Architectural: Collin County Courthouse Addition Phase (Contract No. 11089-08) with Pierce, Goodwin, Alexander & Linville (PGAL) for equipment, piping, and control system upgrades to the Central Plant in the amount of $48,550 and further authorize the Purchasing Agent to finalize and execute same (budgeted), Construction & Projects.

Court Order No. 2009-091-02-02

3. AI-29595 No. 2 to the Maintenance and Support Services Agreement with Tyler Technologies for the Sonant online Electronic Payment System (credit cards) for services and software in the amount of $154,540, approve Authorize.net as the solution for point of sale transaction in the estimated amount of $2,240 annually and the budget for the purchase of services, software and hardware for the project in the amount of $178,940 and further authorize the Purchasing Agent to finalize and execute the associated agreements (budgeted), Information Technology.

Court Order No. 2009-092-02-02

g. **Change Order(s):**

1. AI-29617 No. 3 to Detergents/Chemicals/Dispensers (IFB No. 06101-06) with ECOLAB to reflect a price decrease to the contract and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

Court Order No. 2009-093-02-02

2. AI-29626 No. 10 to Construction, Building: Collin County Administration Building (IFB No. 05097-07) with Ratcliff Constructors, L.P. to provide various changes to the contract
and further authorize the Purchasing Agent to finalize and execute same (budgeted), Construction Projects.

Court Order No. 2009-094-02-02

h. **Receive and File - Asset Verification, Auditor:**

1. AI-29631 Commissioner, Precinct 1. Commissioner Shaheen questioned the Auditor's asset list for his office saying the asset list included a television that he did not have. Randall Rice, Auditor's office, approached to explain that this item was listed as an asset in the Commissioners' Court, but was actually elsewhere. Mr. Rice continued by saying that assets for the Commissioners' Court are listed as a whole and not assigned individually to a Court member. The item in question was at one time assigned to the Commissioners' Court, but currently cannot be located. Mr. Rice said his office was working with Information Technology to locate the missing equipment. Commissioner Shaheen clarified that the television was not missing, but rather the satellite. Judge Self asked if this was the same satellite phone he was given when he took office. Caren Skipworth, IT, said it was and Judge Self stated that it was defective and his office returned it. Motion to approve asset listing as submitted.

Motion By: Commissioner Prct 1 Matt Shaheen Second By: Commissioner Prct 2 Jerry Hoagland

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy
Ward

Court Order No. 2009-095-02-02

2. AI-29629 Constable, Precinct 1.

Court Order No. 2009-096-02-02

3. AI-29632 Constable, Precinct 3.

Court Order No. 2009-097-02-02

4. AI-29630 380th District Court.

Court Order No. 2009-098-02-02

i. **Miscellaneous**

1. AI-29640 Endorse legislation expanding the jurisdiction of Collin County Courts at Law, Commissioners Court. Judge John Barry, County Court at Law Administrative Judge, approached the court regarding expanding the jurisdiction of the County Courts at Law. Judge Barry stated although he was not authorized to speak on the behalf of the other CC@L judges, he was prepared to address this issue. Judge Barry continued by saying no one had looked at how this would be managed and that this could expand the expenses of the courts and possibly the District Attorney. Judge Barry also said that their dockets are already heavy and this would add to the additional cases which cause areas of concern. Discussion with the Court followed.

Motion By: Commissioner Prct 3 Joe Jaynes Second By: Commissioner Prct 2 Jerry Hoagland

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-099-02-02

GENERAL DISCUSSION

ITEM NO. 5 AI-29606 Presentation, discussion and any action regarding an agreement with the Texas Council of Urban Counties (CUC) and Tyler Technologies for the addition of the Odyssey Law Enforcement, Jail

Manager, and Constable Software (NTE 2,796,222), budget amendment in the amount of $2,598,448 and further authorize the County Judge to finalize and execute the Participation Agreement and Maintenance Agreement that incorporates the Jail Management and Law Enforcement Module, Information Technology.

Caren Skipworth, IT Director, gave a PowerPoint presentation on the next phase of the CIJS project and to update the newly appointed commissioners on the current project. Ms. Skipworth stated that it is recommended that the funds be procured out of the 2003 existing short term debts; therefore, the funds already exist and will not cost the County any additional money. Ms. Skipworth continued, saying the next phase will cover implementation of the Odyssey system for Law Enforcement and Jail Management. The presentation included the costs to the County, the schedule for implementation and the project team members. Discussion with the Court. Ms. Skipworth stated this project would be included in PFP expectations and only results based compensation allowed would be provided to actual CIJS Project team members. Overtime may be necessary because temporary employees could not be utilized in the Jail. There would have to be staff available to back up the project team members if needed. Questions followed regarding this compensation from the Court as to what it entailed. Discussion between Ms. Skipworth and the Court.

Charles Gray, Manager of the Tech Share Project, Conference of Urban Counties, approached to give the Court an overview of the program and participating counties. At least seven counties are ready to join Collin in shared resources for this project. Mr. Gray gave comments on the cost savings to the county by participating in the CUC. Mr. Gray also explained that the county would be completely covered in this project if the county participated in the multi-county agreement. This would authorize Tyler to implement the software while the association acted as administrator over the project. Commissioner Shaheen had questions as to the county's ability to stop the project if need be and how the county would be invoiced. Further explanation was given by Mr. Gray. Discussion with Mr. Gray and the Court followed. Motion to approve participation agreement with the Texas Council of Urban Counties and Tyler Technologies for the addition of the next phase of the CIJS project.

Motion By: Commissioner Prct 1 Matt Shaheen Second By: Commissioner Prct 4 Kathy Ward

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-100-02-02

ITEM NO. 6 AI-29621 Consideration, discussion and any action regarding use of Myers Park and Event Center by the AgriLIFE Extension office to conduct research and Demonstration projects, AgriLIFE Extension. Greg Church, AgriLife Extension Service, approached the Court to request approval to use Myers Park for research and demonstration projects with plants that would require no pesticides and limited water needs for conservation of natural resources. The primary funding would come from the Collin County Master Gardeners Association, which is a non-profit organization. Additional funding would come from various other non-profits. Discussion with the court. Linda Dixon, Meyers Park Manager, approached to say they are very happy to have this project at the park and it would not interfere with any events. Mr. Church also gave an overview on a project to catch and reuse rain water. Judge Self asked about the maintenance of this project once it was finished. Ruben Delgado, Engineering, approached to say there was no ILA so the county would maintain the landscape.

Motion By: Commissioner Prct 3 Joe Jaynes Second By: Commissioner Prct 2 Jerry Hoagland

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-101-02-02

Judge Self recessed Court at 10:23 a.m. and reconvened at 10:30 a.m.

ITEM NO. 7 AI-29588 Consideration, discussion and any action regarding the installation of the Inthinc Vehicle Tracking Device on two Collin County fleet vehicles to monitor safe driving practices, Public Works. Jon Kleinheksel, Public Works, approached to request approval of the installation of Inthinc Vehicle Tracking Devices for testing purposes. There is no cost for the installation and the devices would provide information such as vehicle is idling too long, driver is being too aggressive, equipment strays off designated path, etc... Mr. Kleinheksel said this technology would provide information for developing cost savings, not just monitoring liability. Judge Self asked if a cost benefit analysis had been performed. Mr. Kleinheksel responded saying not yet, the reason for the two devices as a test is to see if this technology is a viable option. Commissioner Jaynes expressed his concern about the effect this could have on the employees who may think this is another tool for "big brother". There is a fee of $20 per month per unit. Just trying to obtain information on what is available. Discussion by the Court. At the end of two months he would have data to bring back to the Court. Motion to approve the installation of two devices for two months.

Motion By: Commissioner Prct 2 Jerry Hoagland Second By: Commissioner Prct 3 Joe Jaynes

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-102-02-02

ITEM NO. 8 AI-29635 Consideration, discussion and any action regarding the FY2010 Budget Calendar, Budget. Monika Arris, Budget and Finance, approached with recommendations for the FY2010 Budget Calendar. Handouts were given to Court members. Kick off will be March 5 and 6; May 1, packets due back from departments; June 15-19, Budget Department reviews this item and it could be posted as a public meeting to allow Court members to attend. Discussion followed with the Court concerning timelines and processes. Judge Self recommended approval of adding discussions to monthly workshops. Commissioner Hoagland stated he wants the Court to go to individual departments and observe what they do daily. Discussion by members followed to figure how to allow the Court to visit each office without overwhelming the staff. Bill Bilyeu, Administrative Services, approached to say if all the Court members, plus additional staff, visited each office, it would overwhelm them due to the size of the visiting party. Additional discussion followed. Judge Self directed Mr. Bilyeu to start a process that would allow the Court to schedule meetings onsite to observe various departments as they conduct daily business. Commissioner Hoagland suggested beginning FY2011 budget year in October as soon as the FY 2010 was effective. Commissioner Ward said there should be a penalty for the departments who have not submitted their operating statistics to the Budget Department. This could be a 10% decrease in overall budget dollars approved. Commissioner Jaynes suggested making the budget documents a standing agenda item. These documents are now being posted to the share point for review by the court.

NO ACTION TAKEN

ITEM NO. 9 AI-29634 Consideration, discussion and any action regarding the FY2009 1st Quarter Performance Measures, Budget.

NO ACTION TAKEN

ITEM NO. 10 AI-29652 Consideration, discussion and any action regarding NACo's posting of a Public Affairs Special Projects Coordinator position, Commissioners Court. Judge Self introduced this item by saying he requested this addition because of the job description that NACo posted to the web for the position of Public Affairs Special Projects Coordinator. Robert Chambers, Frisco, Texas, approached to discuss the job posting and job duties of the posted position of Public Affairs Special Projects

Coordinator for the National Association of Counties (NACo). Mr. Chambers expressed his concern about the attitude of the Commissioners' Court toward allowing taxpayers a voice in the County. Mr. Chambers continued with examples of what he called the government voting benefits for themselves that the average taxpayer does not get, such as Longevity Pay and Lap band Surgery. Commissioner Hoagland asked Mr. Chambers if he represented himself or an organization, and how did he hear about this? Mr. Chambers responded saying he did belong to an organization; however, he represented only himself. Commissioner Jaynes gave comments regarding the improper wording in the posting. Commissioner Shaheen commented that the Court drafted a letter stating their displeasure with the job posting and its description. Discussion continued as to whether Collin County should remain in NACo since it in great part goes against the interests of the taxpayers in Collin County. Judge Self questioned the 2006 expense of 158,000 taxpayer dollars for various membership dues for seven pages' worth of organizations. These memberships fall under the purview of elected officials, but ultimately the taxpayers are the payers of these dues. Judge Self continued by saying the Court needs to revisit the need for membership to all of the different organizations NACo represents. Additional discussion followed. Motion to approve letter as amended.

Motion By: Commissioner Prct 2 Jerry Hoagland Second By: Commissioner Prct 4 Kathy Ward

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-103-02-02

ITEM NO. 11 AI-29638 Consideration, discussion and any action regarding Personnel Appointments, Human Resources. Cynthia Jacobson, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Jacobson requested the Court remove the first candidate on the appointment agenda as she will remain at current position. All remaining agenda items are within the County standard.

Motion By: Commissioner Prct 2 Jerry Hoagland Second By: Commissioner Prct 3 Joe Jaynes

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-104-02-02

ITEM NO. 12 AI-29639 Consideration, discussion and any action regarding Personnel Changes, Human Resources. Cynthia Jacobson, Human Resources, stated all changes are within County standards.

Motion By: Commissioner Prct 2 Jerry Hoagland Second By: Commissioner Prct 3 Joe Jaynes

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-105-02-02

ITEM NO. 13 Consideration, discussion and any action regarding Board/Committee Appointments, Commissioners Court:

a. AI-29647 Validate Collin County's appointees to the Texas Department of Family and Protective Services Special Task Unit for Adult Protective Services, Commissioners Court. Commissioner Ward gave comments on her role in this organization and explained the service they provide to those in need within Collin County. Commissioner Ward continued by saying this is a State run group and has no cost to Collin County.

Motion By: Commissioner Prct 4 Kathy Ward Second By: Commissioner Prct 1 Matt Shaheen

Aye: Judge Keith Self, Commissioner Prct 1 Matt Shaheen, Commissioner Prct 2 Jerry Hoagland, Commissioner Prct 3 Joe Jaynes, Commissioner Prct 4 Kathy Ward

Court Order No. 2009-106-02-02

b. AI-29653 Board/Committee Appointments.

NO ACTION TAKEN

ITEM NO. 14 Discussion and any action regarding Potential 81st Legislative items, Commissioners Court.

a. AI-29534 Legislation creating Sienna Ranch Municipal Utility District No. 1. Julie Cougle, Water District Attorney, introduced Mayor Christie Shell, City of Nevada. Mayor Shell approached to request approval of creating a Sienna Ranch Municipal Water District. Ms. Cougle and Mayor Shell answered questions from the Court. Discussion followed. Ruben Delgado, Engineering, approached the Court with comments on his department's participation on this creation. Allen Jones, WLOS, approached with additional information on the development of the community of Sienna Ranch. Further discussion with the Court. Commissioner Jaynes stated he would vote against the request because there was not a development agreement in place. Collin County also needs an equivalent of a tax plan in

place. Judge Self and Commissioner Hoagland asked Rider Scott, County Consultant, to approach the Court and explain the pros and cons of the project. Mr. Scott stated there were issues with the project; however, it was moving forward. He continued by saying in his opinion this was a step in the right direction. Further discussion. Commissioner Hoagland agreed this was a step in the right direction. Further discussion. Commissioner Hoagland suggested this should be approved pending an agreement with the cities of Celina, Nevada and Collin County. Commissioner Hoagland also said he agreed with this and believed the Court should approve it; however, he expressed concern over the lack of a development agreement. Judge Self stated he did not think the Court should just verbally approve this without a contingency. Commissioner Hoagland added, revise legislation to reflect, cannot move forward without an agreement. Commissioner Jaynes stated Collin County needs to set policy for this and future similar items.

HELD

b. AI-29508 Legislation creating Van Alstyne Municipal Utility District (MUD) No. 2. Judge Self read an excerpt from an article in the Dallas Morning News regarding this item. Discussion among members.

HELD

ITEM NO. 15 Consideration, discussion and any action regarding 2007 RTR funding, Commissioners Court.

ITEM NO. 16 Possible future agenda items by Commissioners Court without discussion. Commissioner Jaynes requested the addition of a Municipal Utility District policy Judge Self requested the addition of Juvenile Justice Alternative Education Program (JJAEP) placement.

Judge Self recessed the Court at 11:47 a.m. for lunch and reconvened at 1:15 p.m.

EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session in accordance with Chapter 551 of the Government Code, at 1:18 p.m. for legal discussion with the County Attorney present and reconvened Court at 1:56 p.m.

There being no further business, the Court adjourned at 1:58 p.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4

ATTEST:

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