COURT ORDER NO. 2010-353-05-24

STATE OF TEXAS **COMMISSIONERS COURT MINUTES**

COUNTY OF COLLIN **APRIL 26, 2010**

On Monday, April 26, 2010, 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:

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

Commissioner Hoagland led the Invocation.
Commissioner Jaynes led the Pledge of Allegiance.
Commissioner Ward led the Pledge to the Texas Flag.

1. Judge Self convened the meeting of the **Collin County Commissioners Court** at 9:30 a.m.

Judge Self recessed the meeting of the **Collin County Commissioners Court** at 9:31 a.m. and convened the meeting of the **Collin County Health Care Foundation.**

President Self adjourned the meeting of the **Collin County Health Care Foundation** at 9:32 a.m. and convened the meeting of the **Collin County Toll Road Authority.**

President Self adjourned the meeting of the **Collin County Toll Road Authority** at 9:32 a.m. and reconvened the meeting of the **Collin County Commissioners Court.**

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. Notification of budget adjustment(s)/amendment(s), District Attorney:

a. AI-31743 $15,000 to establish a budget for expenses and court testimony of a Forensic Accountant in an ongoing felony criminal case utilizing Drug Forfeiture funds.

b. **AI-31733** $1,450 to establish a budget to purchase various items and equipment utilizing the Drug Forfeiture fund.

FYI NOTIFICATION

1. **AI-31729** Addendum No. 1 to Construction, Bridge: County Road 638 over Sabine Creek to make various changes to the bid specifications, Purchasing.

2. Public Comments. Public comments were heard under General Discussion Item No. 5.

3. Presentation/Recognition:

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

Hannah Kunkle, District Clerk, presented a service pin to Kristi Well, a jury clerk in her office, for 15 years of service to Collin County. (Time: 9:31 a.m.)

4. Consent agenda to approve: Judge Self asked if any member of the Court or any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Hearing none, Commissioner Shaheen made a motion to approve the consent agenda. (Time: 9:32 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

a. **AI-31745** Disbursements for the period ending April 20, 2010, Auditor.
COURT ORDER NO. 2010-279-04-26

b. Agreement(s):

1. **AI-31706** Mutual Agreement with UT Southwestern Medical Center to facilitate Advanced Disaster Life Support (ADLS) training courses and further authorize the Purchasing Agent to finalize and execute same, Homeland Security.
COURT ORDER NO. 2010-280-04-26

c. Amendment(s):

1. **AI-31712** No. 1 to Juvenile Detention Center "CRC" Technology (AGR No. 02375-09) with the McKinney Independent School District to extend the contract for one (1) year through and including June 8, 2011 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.
COURT ORDER NO. 2010-281-04-26

d. Change Order(s):

1. AI-31705 No. 1 to Construction, Building: Juvenile Alternative Education Building and Juvenile Probation (CSP No. 11267-09) with Crossland Construction Company, Inc. for water line changes required by the city and additional lighting and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2010-282-04-26

2. AI-31732 No. 1 to Specialized Printing for Elections (IFB No. 01339-09) with Extreme Business Services to add Ballot and Seal Certificate and Register of Official Ballot forms to the contract and further authorize the Purchasing Agent to finalize and execute same, Elections.

COURT ORDER NO. 2010-283-04-26

3. AI-31697 No. 2 for Services, Body Repair and Painting for Light, Medium and Heavy Duty Vehicles (IFB No. 04468-08) with Red River Truck Repair to extend the contract for one (1) year through and including June 10, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2010-284-04-26

4. AI-31698 No. 2 to Services: Body Repair and Painting Light, Medium and Heavy Duty Vehicles (IFB No. 04468-08) with Metro Fleet Repair to extend the contract for one (1) year through and including June 10, 2011 and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2010-285-04-26

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

1. AI-31709 April 5, 2010.

COURT ORDER NO. 2010-286-04-26

f. Miscellaneous

1. AI-31707 Sale of Struck Off Property located at 1113 F Avenue, Block 1&2, Lots 4A and 1B of the P.R. Garrett addition, City of Plano to the House On The Corner Foundation, LLC in the amount of $26,550 and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2010-287-04-26

2. AI-31708 Sale of Struck Off Property located at 1106 F. Avenue, Block 13, Lots 4A and 3B of the P.R. Garrett addition, City of Plano to the House On The Corner Foundation, LLC in the amount of $24,150 and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2010-288-04-26

3. AI-31704 Reimbursement to Mrs. Leighton in the amount of $125 for dust control oiling along County Road 633, Public Works.

COURT ORDER NO. 2010-289-04-26

4. AI-31735 Endorsement and signing of the Texas State Soil and Water Conservation Board's Flood Control Operation and Maintenance Grant Program In-Kind Match Reporting forms and further authorize the County Judge to finalize and execute same, Public Works.

COURT ORDER NO. 2010-290-04-26

5. AI-31737 Proclamation in observance of the 27th Annual National Night Out, October 5, 2010, Sheriff.

COURT ORDER NO. 2010-291-04-26

GENERAL DISCUSSION

5. AI-31686 Collin County Adventure Camp update, YMCA.

Ann McWilliams from Collin County Adventure Camp and Kevin Spaeth from the YMCA returned to present the Court with firmer estimates and additional information and answers to specific questions as requested by the Commissioners at a previous court. She had a report with summaries of estimated costs for monies remaining. She stated she had met with the original Advisory Board and 6 out of 9 members were disappointed that some of the money wasn't being used to buy adjoining pieces of land, although efforts had been made.

Ms. McWilliams said the Advisory Board is 100% in support of the items being presented. They support everything the YMCA wants and needs at this time. She added, the Advisory Board felt this was a good opportunity to move into a new facility.

Bed replacement was the first topic discussed. Ms. McWilliams said they have a firmer and lower estimate than previously presented to the Court. Ninety percent of the comment cards from guests at the camp were negative comments about the beds. Mr. Spaeth said 20-30% of evaluations specifically mention beds. Ms. McWilliams related a story a YMCA staff member shared with her. A few years ago they hosted an American Camping Association Conference that was very successful. A couple years later when Collin County Adventure Camp was

brought up, someone said, "That's that new camp that has the uncomfortable beds." Ms. McWilliams stated that is not the kind of word of mouth that will be conducive to attracting conferences to the camp in the future.

Mr. Spaeth said they communicated with Bill Bilyeu, Administrative Services, and they can resell the bed frames. It is against federal law to resell the mattresses. Commissioner Ward asked how much they would get for the bed frames. Neither Mr. Spaeth nor Mr. Bilyeu knew for sure, but Mr. Bilyeu said it wouldn't be substantial, probably less than $10,000. Commissioner Shaheen asked how many people come through the camp annually. Mr. Spaeth replied 23,000 people come through the camp annually and that number is growing.

Ms. McWilliams next addressed the issue of separate wireless internet for camp use, stating the current estimate of $7,200 is way down from the original ballpark estimate of $50,000. She thanked Commissioner Shaheen for working with them on that. Ms. McWilliams said there are more and more requests and requirements from groups using the camp, such as school groups, for dependable wireless to be able to do everything that is required and separate wireless is the only dependable way to do that. The state is now requiring teachers to teach outdoors so there will be more uses for this outdoor classroom which will be coupled with the need to use computers. Ms. McWilliams said there will be an additional cost of $400 per month to maintain the separate wireless internet and that will be rolled into the YMCA's operation. Commissioner Jaynes asked if any schools have not come to the camp because of the lack of wireless internet. Mr. Spaeth said no. Judge Self asked why they need to use the computer outdoors. Ms. McWilliams said the computer is a tool and the schools want to utilize it outdoors. Commissioner Shaheen noted it is not internet access to the entire 400 acre camp as previously requested but rather the education building, dining hall, courtyard area, and part of the outside area. Judge Self asked if they spoke to the school districts about partnering on the wireless costs. Mr. Spaeth said no because the cost went down from $50,000 to $7,200. Judge Self asked if the $7,200 included a firewall against pornography and other things. Ms. McWilliams said it included the YMCA technical support and security firewalls. Commissioner Shaheen said the YMCA's filtering process would block access to those sites.

The next topic was the central energy management system, which Ms. McWilliams said was unchanged from last time. Mr. Spaeth requested information from Trane regarding the return on investment on this piece but hadn't heard from them so he has no information. He thought it was very important to share that information with the Court. Judge Self asked why we would do this unless there is additional savings. Mr. Spaeth agreed and he felt there would be more savings, but he wanted to make sure of that before the project moves forward.

Ms. McWilliams spoke of acoustical panels next. She thought the rest of the items requested could come under this umbrella, the need for extra spaces, for utilizing the spaces they have already and utilizing them better. They have a problem with too much light causing presentations not to work well. When schools come, they are bringing all of their schools. They are often at max capacity of 300 plus students. They need 12 spaces for groups that large. They can use the dining hall and education building, but on stormy days they have sectioned off space in the education building or in the dining hall at the same time. When you have all of the echoing going on, it makes it difficult to maintain attention especially with young people, but even with adults. Ms. McWilliams continued, the camp was built with the Collin County population in mind for 2026. They want to make the spaces as usable as possible. The two pavilion spaces that were meant for rainy days and days when it wasn't windy can't be utilized because of drainage. There is a need for an additional classroom in the education building and they haven't gotten to maximum capacity. The remaining things would enable them to add spaces and utilize them better by having less echo and less light when it is fully utilized.

Ms. McWilliams concluded by saying the original Advisory Board had interest in the purchase of land. Any money left in the account, and there is a good possibility there will be money left, she recommended be used for eventual land purchase as it's a safety buffer area. Commissioner Shaheen asked if there should be an improvement fund for this as well or can the permanent improvement fund be applied to something like this? Mr. Bilyeu said that is the responsibility of the YMCA. Once the contract is up, the facility has to be up to the same standards it was the day the County handed it over to them.

Joe Ann Stahel came forward to speak. She thanked the Commissioners Court, Ann McWilliams, Kevin Spaeth and the YMCA for working together. It's been a great cooperative effort. She would like to see it continue. She'd like to see more regular meetings with people from the YMCA and the Commissioners or the County to prevent a situation like this from happening again. Ms. Stahel also stated Collin County has Sister Grove and Park Hill Prairie which could also be utilized by the YMCA. These offer unique opportunities.

Judge Self wanted to vote individually on the items requested.

a. AI-31817 Bed Replacement. Commissioner Shaheen stated the beds aren't optimal but they're comfortable enough; therefore, he will not support bed replacement. Commissioner Ward said part of the revenue coming in to the camp

is from adults through businesses. She added, the beds are probably worse than the prison beds. Commissioner Hoagland made a motion to approve.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 4 – 1 Passed
Nay: Commissioner Shaheen

COURT ORDER NO. 2010-292-04-26

b. AI-31819 Separate Wireless. Commissioner Shaheen made a motion to approve for $7,200.

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-293-04-26

c. AI-31820 Central Energy Management System. Commissioner Hoagland requested this item be held until Mr. Spaeth returned to the Court with further information.

HELD

d. AI-31821 Acoustical Panels. Commissioner Hoagland made a motion to approve.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-294-04-26

e. AI-31822 Window Shades. Commissioner Hoagland made a motion to approve. Judge Self clarified this was approval for two window shades.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-295-04-26

f. AI-31823 Amphitheater. Commissioner Jaynes wanted more clarification on the amphitheater. Ms. McWilliams stated the amphitheater is an additional outdoor classroom space which was originally included in plans but then cancelled. It is difficult to have nighttime programs, such as campfires and star gazing, when each group wants their own space. Mr. Spaeth added the amphitheater is also used as an additional daytime classroom, so it is a multi-use area. Commissioner Jaynes made a motion to approve.

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-296-04-26

g. AI-31824 Additional Classroom Space. Commissioner Hoagland made a motion to approve.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-297-04-26

h. AI-31825 Repair North & South Pavilions. Commissioner Hoagland made a motion to approve.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-298-04-26

i. AI-31826 Collin County Adventure Camp Projects. Judge Self made a motion that the costs presented in Court today are not to exceed costs based on back-up. Commissioner Jaynes stated if they do exceed costs, they will need to come back to Court. Commissioner Shaheen seconded but stated maybe that needed to be a future agenda item. (Time: 10:05 a.m.)

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-299-04-26

Following the vote, Commissioner Ward recognized and thanked members of the Adventure Camp present in Court. Judge Self stated there were several hundred thousand dollars left and he asked Mr. Bilyeu to take a look at that and see what is the best thing to do. Additional land is one option but Judge Self wanted to know how to use it correctly.

6. AI-31738 Bond Capacity update, County Judge.

Judge Self stated for the audience we are discussing fund balances in anticipation of Item Number 7 which is either awarding or not awarding a contract for the Courthouse extension.

Monika Arris, Budget, came forward with a Power Point presentation entitled "Debt Impact on FY2011 Budget" and presented the Court with an update and

overview continuation from the April 19, 2010, Court. The first slide she showed was the tax rate from 1990 to the present. Ms. Arris stated the Central Appraisal District (CAD) gave her several different scenarios based on the tax base, ranging from best to moderate to worst case. She factored the moderate case and worst case scenarios into her presentation. She left out the best case scenario. The moderate case scenario will increase debt service to $0.06193 from $0.05542 and will decrease tax revenue to operating funds by $10.7 million for FY2011 and reduce the general fund balance down to 186 days by FY2015 based on very conservative growth patterns in the five-year plan.

Commissioner Shaheen asked for assumptions for growth in the budget for that five-year period. Ms. Arris said based on information she has received from CAD it shows the County dropping about 4.7% for 2010, still dropping approximately another 2% for 2011, balancing out to no growth for 2012 and then a 1% growth thereafter. Commissioner Shaheen asked for assumptions on the expenditure side. Ms. Arris said on the expenditure side she shows a 4% decrease in our budget for 2011 overall followed by a very moderate growth from there, roughly 2-3% for the next five years based on the cost of fuel, electricity, indigent defense, things like that.

Ms. Arris continued with her presentation, saying if the Court wished to maintain the current debt service tax rate of $0.05542, they would need to allocate $10.8 million over a three-year period under the moderate case scenario of the general fund balance. We would still end up with 185 days in the general fund balance by FY2015 and it would decrease tax revenue to operating funds by $6.4 million for FY2011. If the Court chooses to stay at a debt rate of $0.05542, they would not have the capacity to sell debt until 2013. Judge Self stated they would have to take into account the impact of money coming out of the M & O (Maintenance and Operation) rate because when the bond was passed, citizens were promised the overall tax rate would not go up. Ms. Arris agreed.

Ms. Arris moved on to the worst case scenario. She stated the worst case scenario would increase the debt service tax rate to $0.06357, decrease tax revenue to operating funds by $15.1 million for FY2011 and based on scenarios given for worst case growth would leave us with 89 days of fund balance by FY2015. Ms. Arris said her assumptions were we are dropping approximately 7% for FY2010, dropping another 4% in 2011 and another 2% in 2012, and not balancing out to even until 2013 and then a slow 1% growth after that. Ms. Arris stated her estimates are very conservative. Judge Self said this is a steady state; these are our current commitments for debt. He continued, so worst case scenario, our current commitments reduce our general fund balance down below what we will need to maintain our triple A bond rating. Ms. Arris said yes, that was correct.

Commissioner Jaynes said the general fund balance is $132 million and he wanted to know what would happen if you take out 120 days. Ms. Arris said 120

days would be $50 million but she is projecting out over a five-year period as of today's adopted budget. Commissioner Shaheen said it is about $400,000 per day; $132 million represents 32 days. Ms. Arris said it is $418,000 per day. Ms. Arris answered further questions from Court members. Commissioner Jaynes stated he did not want anything to hurt the triple A bond rating.

Ms. Arris continued with the worst case scenario, saying in order to maintain current debt service tax rate of $0.05542, we would need to use $19.6 million over a five-year period of fund balance, that would decrease tax revenue to operating funds by $9.7 million and reduce general fund days of fund balance to 88 days by FY2015.

Judge Self said Ms. Arris's assumption is, it is going to grow, and that's what we've been saying all along, it's in the Efficiency Committee, it's in performance objectives for employees, defined budget cuts. Ms. Arris stated she has a cut for FY2011 but after that she is assuming growth. Commissioner Jaynes said the $19.6 million over the next five years with the worst case scenario is something we have to do to keep up with our current commitments. Judge Self said this is current commitments and steady state. Ms. Arris said yes. Ms. Arris said you can go up higher on the debt service tax rate and have less revenue on the M & O side or you can apply the money straightforward. Commissioner Shaheen said there are endless options. We need to look in detail at what our budget is over a five-year period and maybe there is some shifting over to the operational piece, maybe there is some buying down. The budget will be very tough this year. Commissioner Jaynes said voters were promised we wouldn't raise taxes.

Ms. Arris said the discussion before the Court on the next agenda item is the courthouse addition. She said there is a $28 million fund balance in the permanent improvement fund and that is for buildings. Her recommendation is to use $12 million out of there to continue the courthouse expansion. The other half has been sold in bonds. Ms. Arris stated she has gone through the accounts and there is enough money in contingency from previously sold bonds for the $5.8 million requested for roads this year.

Commissioner Shaheen asked for clarification of the bond money and projects partnering with cities. Discussion followed. Commissioner Shaheen said Tracy Homfeld, Engineering, has worked with all the engineering departments in the different cities. $5.8 million represents projects the cities are ready to move on. Judge Self said approximately $1 million of the $5.8 million is for county road projects.

Judge Self asked Jon Kleinheksel, Public Works, if drainage projects for 2010 are all necessary. Mr. Bilyeu answered that question, saying they are bridge replacements. Right-of-way has been acquired and engineering is ready to go.

Commissioner Hoagland made a motion to approve the recommendation to fund $11.8 million for courthouse expansion from the permanent improvement fund. (Time: 10:26 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-300-04-26

Judge Self next asked for a vote on funding $5.8 million for roads from previously sold bonds in contingency projects. Commissioner Hoagland made a motion to approve. (Time: 10:27 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-301-04-26

Following the vote, there was a brief discussion on bullet point number 3 of Ms. Arris's presentation: no funding for parks and open space grants until bonds can be sold. Commissioner Jaynes asked that the Open Space Board be kept up to date on the status of monies available. (Time: 10:27 a.m.)

7. AI-31522 Award for Construction: Collin County Courthouse Addition (IFB No. 11067-10) to Turner Construction, budget amendment in the amount of $13,070,210 and further authorize the Purchasing Agent to finalize and execute the agreement and the County Judge to execute the reimbursement resolution, Construction & Projects.

Judge Self asked for a motion to award the construction bid to Turner Construction. Commissioner Ward made a motion to approve. (Time: 10:28 a.m.)

Motion by: Commissioner Kathy Ward
Second by: Commissioner Joe Jaynes
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-302-04-26

8. AI-31761 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, came forward and said all personnel appointments met standard guidelines. Commissioner Jaynes made a motion to approve. (Time: 10:28 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-303-04-26

9. AI-31762 Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen stated a correction needed to be made to his CPS (Child Protective Services) appointment from last week. (Time: 10:28 a.m.)

NO ACTION TAKEN

10. AI-31724 Potential 82nd Legislative items, Commissioners Court.

Judge Self wanted to add the TCDRS agenda as an agenda item due to potential changes to the law. Commissioner Shaheen thought there would be support from urban counties and TAC, and he also wanted to get perspective from board members of TCDRS in Austin. He said the way TCDRS interprets the law, they cannot do two tiers today, so the Commissioners would have to lobby to have that changed. Commissioner Jaynes said for those listening, his impression is existing employees will remain the same but there would be a change to the match rate for new employees, much like longevity pay. Commissioner Shaheen said this needed to be addressed today so that a Commissioners Court 30 or 40 years from now is not faced with a huge liability. (Time: 10:30 a.m.)

NO ACTION TAKEN

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

Commissioner Hoagland wanted a discussion of what the Court wanted to ask legislators to do to support transportation in Collin County. Commissioner Shaheen wanted a discussion on policy relating to actual costs exceeding the project estimates presented and approved in Commissioners Court.

EXECUTIVE SESSION

There being no reason to recess into Executive Session and no further business of the Court, Judge Self adjourned the meeting at 10:31 a.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Not Present

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4

COMMISSIONERS COURT COLLIN COUNTY TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS