

COURT ORDER NO. 2007- 792 -09-11

THE STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

JULY 23, 2007

On Monday, July 23 2007, the Commissioners Court of Collin County, Texas, met in regular session with the following members present, and participating to wit:

<b>Keith Self</b>	<b>County Judge, Presiding</b>
<b>Phyllis Cole</b>	<b>Commissioner, Precinct 1</b>
<b>Jerry Hoagland</b>	<b>Commissioner, Precinct 2</b>
<b>Joe Jaynes</b>	<b>Commissioner, Precinct 3</b>
<b>Jack Hatchell</b>	<b>Commissioner, Precinct 4</b>

Commissioner Hatchell led the Invocation.

Commissioner Jaynes led the Pledge of Allegiance.

Commissioner Cole led the Pledge to the Texas Flag.

Judge Self called the **Collin County Health Care Foundation** meeting to order at 9:05 a.m. and adjourned at 9:09 a.m.

**Item No. 1** Judge Self convened the **Collin County Commissioners Court** meeting at 9:09 a.m.

**FYI NOTIFICATION**

1. **AI-26797** \$103,000 to move the 2006 State Homeland Security Program grant funds; the revenue line needs to be moved from the capital line item to reflect the actual revenue and expenditures of the program, Auditor.

2. **AI-26888** Please note utilization of the BuyBoard Cooperative contract for the purchase of a prisoner transport bus and award to One Stop Bus (budgeted), Purchasing.

3. **AI-26840** Routine budget amendment(s)/adjustment(s) totaling \$385,185 (over \$5,000 per c/o 2005-589-08-01), Budget.

**Item No. 2** Public Comments. Mr. Bill Baumbach, Wylie, came before the Court to comment on AI-26866. Mr. Baumbach stated he had sent a letter to Judge Self and the Commissioners stating it is in violation of the Texas Open Meetings Act and the Texas Attorney General's opinion #H496 issued in 1975 for the Commissioners to meet in closed Executive Session to discuss elected

official's compensation. Mr. Baumbach stated that if the meeting was held and a class of employees discussed, it would be in violation of the law. Judge Self stated that there were a few classes of citizens slated for discussion, although most were individuals. Judge Self said that in order to be prudent the list should be paired down to the individuals or the classes discussed in open court. Awaiting Bill Bilyeu's, Administrative Services, research on the issue and a legal opinion, Judge Self stated that with the agenda listing the backup documentation under Executive Session, it would either be discussed in Executive Session or tabled; but his preference would be to err on the side of openness. (Time: 9:09:24 a.m.)

**Item No. 3** 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 asked for 3d1 for discussion. Bill Bilyeu, Administrative Services, requested f2 for correction. Commissioner Jaynes asked for 3e2. And Judge Self requested 311. Commissioner Hatchell motioned to approve the remaining items, Commissioner Hoagland seconded, and the motion passed with a 5-0 vote of the Court. (Time: 9:15:16 a.m.)

- a. Filing of the July 23, 2007, Regular Agenda.  
**COURT ORDER NO. 2007-574-07-23**
- b. AI-26879 Disbursements for the period ending July 18, 2007, Auditor.  
**COURT ORDER NO. 2007-575-07-23**
- c. AI-26815 Tax Refunds totaling \$112,293.10, Tax Assessor Collector.  
**COURT ORDER NO. 2007-576-07-23**
- d. Advertisement(s):
  1. AI-26872 Services: Microfilm (budget), Information Technology. Commissioner Hoagland inquired if the County had looked into electronic capture of information rather than using microfilm. Lanette Saetre, I.T., addressed the Court stating that a contract has been awarded for a mass project and implementation has started. However, it is not being executed on all levels yet so for the remainder of this year microfilming will be the method used. Commissioner Hoagland motioned to approve the item, Commissioner Hatchell seconded, and the motion passed with a 5-0 vote of the Court. (Time: 9:16:17 a.m.)  
**COURT ORDER NO. 2007-577-07-23**
  2. AI-26817 Services: Counseling Juvenile Sex Offender (budgeted), Juvenile Probation.  
**COURT ORDER NO. 2007-578-07-23**

3. AI-26882 Food: Bread Products (budgeted), Sheriff.  
**COURT ORDER NO. 2007-579-07-23**

e. Award(s):

1. AI-26893 Services: Professional Audit (budgeted), Auditor.  
**COURT ORDER NO. 2007-580-07-23**

2. AI-26876 Grant exemption from the competitive bidding process per L.G.C. 262.024(a)(4), approve the agreement and award to ADB Consulting, LLC for the North Central Texas Fusion System Data Expediting project in the amount of \$180,000 (additional funding was accepted from the Governor's Division of Emergency management per Court Order No. 2007-438-05-22) and further authorize the Purchasing Agent to finalize and execute the agreement (budgeted), Homeland Security. Commissioner Jaynes stated that he would like to see a chart of all the Homeland Security grants awarded to the County, the term, and the County's responsibility at the grant's completion. Rodney Rhoades noted that a presentation is being readied for the next Workshop. Commissioner Hoagland motioned to approve, Commissioner Hatchell seconded, and the motion passed with a 4-1 vote of the Court; Commissioner Jaynes dissented. (Time: 9:17:02 a.m.)

**COURT ORDER NO. 2007-581-07-23**

f. Agreement(s):

1. AI-26813 Interlocal Agreement with the City of Lucas for the County to provide GIS services for one year, per Texas Government Code, Chapter 791 and further authorize the County Judge to finalize and execute the agreement, GIS/Rural Addressing.

**COURT ORDER NO. 2007-582-07-23**

2. AI-26848 No. 1 to Telephone: Inmate Pay Phone with Evercom Systems to extend the contract for one (1) year, Sheriff. Bill Bilyeu, Administrative Services, came before the Court to explain that the company being used changed names so it needs to be noted for the record. Commissioner Cole motioned to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 9:19:41 a.m.)

**COURT ORDER NO. 2007-583-07-23**

g. Change Order(s):

1. AI-26889 No. 36 to Janitorial Services with Texas Industries for the Blind & Handicapped to add 225,944 square feet for the new Courthouse and deduct 71,975 square feet from the existing Courthouse to the contract for a total increase of \$13,857.21 per month effective July 27, 2007 (budgeted), Facilities.  
**COURT ORDER NO. 2007-584-07-23**

h. Budget adjustment/amendment(s):

1. AI-26857 \$4,000,042 to transfer funds to the appropriate line item to comply with generally accepted accounting principles.  
**COURT ORDER NO. 2007-585-07-23**

i. Receive and File, Auditor:

1. AI-26854 District Attorney (4th Quarter FY2006; 1st and 2nd Quarter FY2007).  
**COURT ORDER NO. 2007-586-07-23**
2. AI-26856 Myers Park & Event Center (1st and 2nd Quarter FY2007).  
**COURT ORDER NO. 2007-587-07-23**
3. AI-26855 Development Services (2nd Quarter 2007).  
**COURT ORDER NO. 2007-588-07-23**

j. Filing of the Minutes, County Clerk.

1. AI-26844 June 26, 2007.  
**COURT ORDER NO. 2007-589-07-23**

k. Re-designation of Private Road(s), GIS/Rural Addressing:

1. AI-26868 Private Road 5548 to Lindsey Lane.  
**COURT ORDER NO. 2007-590-07-23**
2. AI-26869 Private Road 5551 to Boaz Circle.  
**COURT ORDER NO. 2007-591-07-23**
3. AI-26870 Private Road 5552 to Quiver Full Way.  
**COURT ORDER NO. 2007-592-07-23**

I. Miscellaneous

1. AI-26875 Proclamation designating the week of September 23, 2007 as Enterprise Week in Collin County, Commissioners Court. Judge Self led the discussion on changes to the proclamation. The last 'whereas' is to be changed; 'the Court' would replace 'commissioners' in the 'now therefore' portion; and, 'The National Day of Prayer' would be removed from the subtitle on pg 2. Commissioner Jaynes motioned to make these changes, Commissioner Hatchell seconded, and the motion passed with a 5-0 vote of the Court. (Time: 9:20:15 a.m.)

**COURT ORDER NO. 2007-593-07-23**

2. AI-26834 Holiday schedule for 2008, Human Resources.

**COURT ORDER NO. 2007-594-07-23**

**GENERAL DISCUSSION**

**Item No. 4**      AI-26784 Presentation, discussion and any action regarding the actuarial valuation of Postretirement Benefits under GASB 45 by Milliman Inc., Human Resources. Mike Muran of Milliman, Inc, stood before the Court and gave a presentation. Due to a new governmental accounting standard, GASB 45, governmental entities are being asked to report new information pertaining to retirees. The Texas Legislature has said that Texas entities do not have to follow GASB 45 if they do not want to. GASB 45 recognizes benefits as compensation for services rendered and states they need to be recognized as they are being earned. Mr. Muran gave his recommendations and answered questions for the Court. (Time: 9:22:33 a.m.)

**MINUTES**

**Item No. 5**      AI-26858 Presentation, discussion and any action regarding overtime for the Sheriff's office, Sheriff. Sheriff Box came to the Court and gave a presentation concerning how and why overtime occurs in his department. There was discussion, clarification, and further explanation. Sheriff Box stated that most overtime situations are the result of an emergency and that he felt his department did everything possible to keep overtime hours to a minimum. (Time: 10:01:01 a.m.)

**MINUTES**

**Item No. 6**      AI-26887 Consideration, discussion and any action regarding compensation for Sheriff's office personnel who work Lake Patrol assignments under the current contract between Collin County and the Corps of Engineers, Sheriff. Eric Patterson, acting manager of Lake Lavon, came before the Court to

support and explain the current contract with Collin County for the use of county deputies for lake patrol. The consensus of the Court was to leave things as they are for the remainder of this year. (Time: 10:16:02 a.m.)

**MINUTES**

**Item No. 7**      **AI-26209**      Consideration, discussion and any action regarding the adoption of the amended Tax Abatement Policy, Budget (Held from April 10, 2007). Rodney Rhoades, Budget, briefed the court on this item. Mr. Rhoades proposed using the population as a basis for deciding tax abatements, as that seems the most fair for the smaller cities with smaller budgets. It will be based on the current COG (Council of Governments) population numbers. Commissioner Jaynes motioned to accept the policy as is with the exception of adding 'determining the population figures by the COG population', Commissioner Cole seconded, and the motion passed with a 4-1 vote of the Court; Commissioner Hoagland dissented. (Time: 10:34:03 a.m.)

**COURT ORDER NO. 2007-595-07-23**

**Item No. 8**      **AI-26736**      Consideration, discussion and any action regarding the approval of a Tax Abatement Agreement, Reinvestment Zone No. 107 with KDC-Plano Investments I, LP and Denbury Onshore LLC, City of Plano. Rodney Rhoades, Budget, using the newly adopted tax abatement policy, stated that this request does qualify. Commissioner Hatchell moved to approve the motion, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:41:56 a.m.)

**COURT ORDER NO. 2007-596-07-23**

**Item No. 9**      **AI-26818**      Consideration, discussion and any action regarding the approval of a Tax Abatement Agreement, Reinvestment Zone No. 109 with 3000 East Plano Parkway Property LLC and CVE Technology Group, Inc., City of Plano. Rodney Rhoades, Budget, stated that under the newly adopted tax abatement policy, this request does not qualify. Commissioner Jaynes motioned to deny the request, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:43:49 a.m.)

**DENIED**

**Item No. 10**      **AI-26859**      Consideration, discussion and any action regarding the approval of Amendment No. 2 to Emergency Medical Services Southeast Coalition with East Texas Medical Center (ETMC) for an annual inflation adjustment of 2.6% for paramedic emergency ambulance services effective October 1, 2007 through September 30, 2008 (budgeted), Fire Marshal. Bill Bilyeu, Administrative Services, explained that the East Texas Medical Services provides the ambulance service for the southeastern quadrant of the county. Commissioner Hatchell moved to approve the amendment, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:44:48 a.m.)

**COURT ORDER NO. 2007-597-07-23**

**Item No. 11**     **AI-26835** Consideration, discussion and any action regarding Personnel Appointments, Human Resources. Cynthia Jacobson, HR, stood before the court and stated that most of the appointments listed are a group of 'on call' temporary employees hired for the I.T. department for the new facility. The other two people listed are within hiring guidelines. Commissioner Cole motioned to approve, Commissioner Hatchell seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:46:47)

**COURT ORDER NO. 2007-598-07-23**

**Item No. 12**     **AI-26836** Consideration, discussion and any action regarding Personnel Changes, Human Resources. Cynthia Jacobson continued in front of the Court, explaining HR has been working with the Budget department for a job description change on Michelle Patrick and why; Ms. Jacobson stated it is within the norm. Commissioner Hoagland motioned to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:48:22 a.m.)

**COURT ORDER NO. 2007-599-07-23**

**Item No. 13**     **AI-26873** Consideration, discussion and any action regarding the Budget and Finance department reclass down of one position, Budget. Cynthia Jacobson continued, stating this is a change in a position, lowering by two pay grades. Commissioner Hoagland Motioned to approve, Commissioner Hatchell seconded, and the motion passed with a 5-0 vote of the Court. (Time: 10:51:18 a.m.)

**COURT ORDER NO. 2007-600-07-23**

**Item No. 14**     **AI-26886** Consideration, discussion and any action regarding a temporary salary increase for the acting Chief of Family Justice Division, Alyson Dietrich during the absence of the Chief of Family Justice Division, District Attorney. Judge Roach came before the Court explaining that the Chief of the Family Justice Division is on leave for an unknown period of time. A prosecutor has temporarily taken over the position without any promotion or pay increase. Judge Roach asked the court to allow him to give a temporary pay increase of 5% to this prosecutor for the increased duties and responsibilities. Commissioner Jaynes motioned to approve the request including Judge Self's note that it should be stated in the court order that this is not setting a precedent for this type of situation, Commissioner Hatchell seconded, and the motion passed with a 4-1 vote of the Court; Commissioner Cole dissented. (Time: 10:52:27 a.m.)

**COURT ORDER NO. 2007-601-07-23**

**Item No. 15**     **AI-26900** Consideration, discussion and any action regarding the designation of smoking areas at the new Collin County Courthouse, Administrative Services. Bill Bilyeu, Administrative Services, explained that the new courts facility was not designed with smoking areas due to the cost. Mr. Bilyeu noted that the front steps are not an appropriate smoking area and recommended that smokers, be it visitors or employees, be asked to go to their vehicles in the parking lot to smoke. Commissioner Jaynes introduced the

question of other county buildings, stating the policy needs to be uniform. Commissioner Hatchell made a motion to set the smoking policy at the new Collin County Courthouse, stating it is only allowed in vehicles in the parking lot; Commissioner Hoagland seconded; and the motion passed with a 4-1 vote of the Court; Commissioner Jaynes dissented. (Time: 10:00:07 a.m.)

**COURT ORDER NO. 2007-602-07-23**

**Item No. 16**     **AI-26903**   Discussion of County transportation responsibilities, County Judge. Judge Self gave a synopsis of the Transportation Forum he attended in Austin and his views and assessments. Judge Self stated that he thinks the County needs to articulate and implement a vision for a 'backbone of roads' that the County is responsible for maintaining. It was stressed that a proactive approach is needed in handling the funding and prioritizing of the various roadway projects and the decisions made now, in 2007, will profoundly impact Collin County's future economic viability. (Time: 11:19:55 a.m.)

**MINUTES**

**Item No. 17**     **AI-26883**   Consideration, discussion and any action regarding the Proposed Comprehensive Development Agreement (CDA) projects for submittal to the Regional Transportation Council (RTC) and the North Central Texas Council of Governments (NCTCOG), Engineering. Ruben Delgado, Engineering, stood before the Court asking for endorsement of the CDA projects submitted to the RTC—including the outer loops, US 380, US 455, FM 2551, FM 1378, and FM 2514. Commissioner Hoagland made a motion to approve all 15 proposed projects, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 11:32:23 a.m.)

**COURT ORDER NO. 2007-603-07-23**

**Item No. 18**     Consideration, discussion and any action regarding 2007 RTC Comprehensive Development Funding Initiative, Commissioners Court.

**NO ACTION TAKEN**

**Item No. 19**     Possible future agenda items by Commissioners Court without discussion. Commissioners Jaynes and Hoagland asked that the issue of smoking at all other county facilities be added.

**EXECUTIVE SESSION**

Judge Self recessed the Court into Executive Session at 11:46 a.m. and reconvened into Open Court at 12:18 p.m., Commissioner Hatchell was not present on return.

**AI-26865**     Employee prescription request. Commissioner Hoagland motioned to approve the request, Commissioner Jaynes seconded, and the motion passed with a 4-0 vote of the Court. (Time: 12:18:51 p.m.)

**COURT ORDER NO. 2007-604-07-23**



AI-26866 Elected Official's 2008 Compensation. Bill Bilyeu had clarification for the Court stating that discussion of specific individuals and salary in either Open or Executive session is allowed. If discussing a class, a group say, you cannot discuss behind closed doors. Commissioner Hoagland stated he did not want to discuss at this time, Judge Self moved the discussion to the first day of budget workshop, July 30. (Time: 10:42:41 a.m.)

**PULLED**

AI-26907 Board/Committee Appointments. None noted at this time.

AI-26896 Ingram Vs. Collin County. No comments at this time.

Judge Self recessed the Court at 12:19 p.m. and reconvened into Open Court at 7:00 p.m. in the Central Jury Room located at 314 S. Chestnut, McKinney.

**Item No. 20** Consideration, discussion and any action regarding recommendations presented by the 2007 Bond Committee:

1. Transportation. Ruben Delgado, Engineering, gave the background on the Committee, stating that Carter & Burgess was the engineering consulting firm used.

Robbie Robinson, committee chair, went forward to make the committee's presentation. Mr. Robinson thanked the committee, noting there were 37 members; the county and city support staff; and Carter & Burgess Engineering Consulting Firm. Mr. Robinson covered the Committee's purpose, history and scope, and recommendations. Mr. Robinson addressed what the Committee had been asked to evaluate and the conclusions that were drawn, stating that the Committee's recommendations had received 100% support of its members.

The Transportation Bond Committee recommended a transportation bond program of \$235.6 million. It was noted that this figure is 18% higher than the guideline. The Committee felt that the transportation issues of Collin County were of a critical nature.

2. Open Space. Colleen Eagan, committee member, came forward representing the Open Space Bond Committee. Ms. Eagan thanked the members and support staff and commented on the committee's process, meeting habits and background, and scope.

The Open Space Bond Committee recommended an open space bond program of \$17 million. Ms. Eagan stated that

there were no specific list of projects, other than the Six Cities Hike and Bike Trail system; she noted that a list would create itself as city requests came in, but the committee saw more parks and additional trails being created.

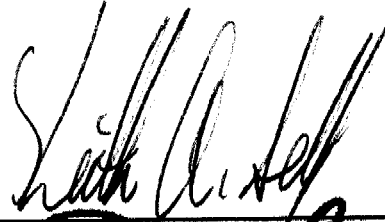
3. Facilities. Bill Moore and Bill Mills, co-chairs for the Facilities Bond Committee, went forward to give the presentation. Mr. Moore and Mr. Mills thanked the committee members, discussing their work habits, methodology, and meeting schedule. The Committee had a list of needs and then evaluated and prioritized the specific projects.

The Facilities Bond Committee recommended a facilities bond program of \$76.4 million and outlined a master plan of the projects and a timeline for the work on each.

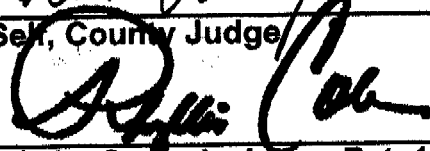
4. Presentation. Family Violence Task Force regarding the Family Violence Justice Center, Commissioners Court. Rebecca Egleston-Caso of the Family Violence Council came forward and gave a presentation advocating the creation of a Collin County Family Justice Center. The desire is to create a facility where all the involved parties would be housed to take care of the victims of family violence--from the district attorney and sheriff's representatives to the agencies that assist the victims.

Public Comments: David Dorman, Melissa, and Sharon Easley, Plano, both stood and made comments concerning the Family Violence Justice Center.

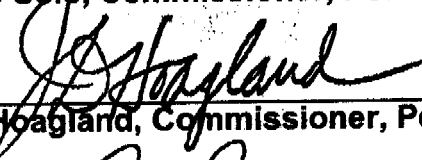
Judge Self made closing statements. There being no further business of the Court, Judge Self adjourned the meeting at 8:28 p.m.



Keith Self, County Judge



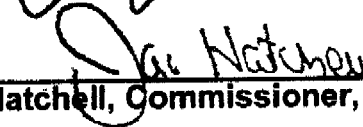
Phyllis Cole, Commissioner, Pct. 1



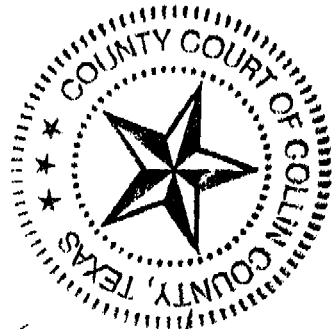
Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Jack Hatchell, Commissioner, Pct. 4



ATTEST:



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