

THE STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

JUNE 23, 2008

On Monday, June 23, 2008, the Commissioners Court of Collin County, Texas, met in regular session with the following members present, and participating to wit:

**Keith Self**  
**Phyllis Cole**  
**Jerry Hoagland**  
**Joe Jaynes**  
**Jack Hatchell**

**County Judge, Presiding**  
**Commissioner, Precinct 1**  
**Commissioner, Precinct 2**  
**Commissioner, Precinct 3**  
**Commissioner, Precinct 4**

Commissioner Hoagland led the Invocation.

Commissioner Jaynes led the Pledge of Allegiance.

Commissioner Hatchell led the Pledge to the Texas Flag.

President Self called the Collin County Health Care Foundation meeting to order at 1:33 p.m. and adjourned at 1:37 p.m.

**Item No. 1** Judge Self convened the Collin County Commissioners Court meeting at 1:37 p.m.

**FYI NOTIFICATION**

1. AI-28424 Utilization of BuyBoard Cooperative contract (per VTCA LGC 271.102) to purchase two (2) 2008 Toyota Prius Hybrids for a total of \$46,009 (budgeted), Public Works. Commissioner Jaynes commended Mr. Klienheksel for his purchase of the hybrids and his efforts to reduce the amount of gas regularly used by the county. He also said he looks forward to a study to get the Sheriff's Office and the Constable's Offices off the Crown Victoria. Perhaps conduct a cost comparison between the Crown Vics and the fuel they use and the SUV hybrid and the fuel they use.

2. AI-28463 Budget amendment(s)/adjust(s) totaling \$29,465,503 (over \$5,000 per c/o 2005-589-08-01), Budget.

**Item No. 2** Public Comments. Judge Self asked if there were any public comments. There were none. 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. Judge Self asked that FYI f2 and k2 be pulled, Commissioner Hoagland asked that l4 be pulled. Commissioner Hatchell moved to approve the remainder, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time 1:41:00 p.m.)

**Item No. 3** Recognition of Commissioner Jack Hatchell receiving the William J. Pitstick award at the COG general assembly, Commissioners Court. Judge Self read a letter from COG recognizing his more than 21 years of service to Collin County. (Time 1:37:55 p.m.)

**Item No. 4** Consent agenda to approve:

a. Filing of the June 23, 2008, Regular Agenda.

**COURT ORDER NO. 2008-432-06-23**

b. AI-28484 Disbursements for the period ending June 18, 2008, Auditor.

**COURT ORDER NO. 2008-433-06-23**

c. AI-28435 Tax Refunds totaling \$226,617.93, Tax Assessor Collector.

**COURT ORDER NO. 2008-434-06-23**

d. Reject all proposal(s):

1. AI-28436 Services; Energy Consultant (RFP No. 02447-08), Facilities.

**COURT ORDER NO. 2008-435-06-23**

2. AI-28391 Services & Equipment: Bi-Directional Antenna for New Courthouse (AT&T) (RFP No. 02447-08), Information Technology.

**COURT ORDER NO. 2008-436-06-23**

e. Advertisement(s):

1. AI-28462 Services: Offender Specimen Collection and Drug Testing (RFP No. 06568-08) (budgeted), CSCD.

**COURT ORDER NO. 2008-437-06-23**

2. AI-28461 Services: Treatment Alternatives to Incarceration Program (TAIP) (RFP No. 06557-08) (budgeted), CSCD.

**COURT ORDER NO. 2008-438-06-23**

3. AI-28466 Testing: Postmortem Toxicology (IFB No. 05549-08) (budgeted), Medical Examiner.

**COURT ORDER NO. 2008-439-06-23**

4. AI-28460 Supplies: Lubricants, Oil and Miscellaneous Items (IFB No. 05547-08) (budget), Public Works.

**COURT ORDER NO. 2008-440-06-23**

5. AI-28444 Professional Services: Appraisal Services (RFP No. 05553-08) (budgeted), Special Projects.

**COURT ORDER NO. 2008-441-06-23**

f. Agreement(s):

1. AI-27613 Interlocal Agreement with the City of Plano for the 2003 Bond Project No. 03-062 to widen and extend Parkwood Boulevard from Park Boulevard to Spring Creek Parkway (\$2,200,000); re-allocate funds from Bond Projects No. 03-057 and No. 03-054 to No. 03-062 (\$700,000) and further authorize the County Judge to finalize and execute same (budgeted), Engineering. Judge Self said we should make sure we want to approve an increase for this particular bond project, which is not in accordance to the bond policy. It has been the policy both in 2003 and 2004 that when a project's costs increase the county's portion stays the same with no additional costs. Ruben Delgado, Engineering addressed the court stating Plano has saved funds on other projects and re-allocated those savings to the Parkwood Boulevard project. Commissioner Cole stated she thought this was a good plan as Parkwood is an integral street in the new area by the Legacy Development. Commissioner Cole moved to approve, Commissioner Hoagland seconded. Before the final vote was taken, Judge Self asked Mr. Delgado to inform the other

cities that said policy was probably no longer in effect. Commissioner Jaynes asked that we look at adding verbiage to the bond policy that if the costs go up, the County's will stay the same. Commissioner Hatchell said that with escalating costs the County should either do away with the policy or have it revised to say if it's over a certain percent the costs stay the same. Mr. Delgado agreed to update the policy and bring back it to the Court for review. The motion passed with a vote of 5-0 of the Court. (Time 1:46:30 p.m.)

**COURT ORDER NO. 2008-442-06-23**

2. AI-28094 Interlocal Agreement with the City of Plano for the widening of Headquarters Drive from Parkwood Drive to Preston Road – Bond Project No. 03-061 (County's portion \$500,000) and further authorize the County Judge to finalize and execute same (budgeted), Engineering.

**COURT ORDER NO. 2008-443-06-23**

3. AI-28332 Memorandum of Understanding (MOU) with Texas Engineering Extension Service (TEEX) to conduct a Pandemic Influenza Exercise, in accordance with Government Code 791 Interlocal Cooperation Contracts and further authorize the County Judge to finalize and execute same, Homeland Security.

**COURT ORDER NO. 2008-444-06-23**

4. AI-28367 Radio Frequency Enhancement Agreement with AT&T Mobility National Accounts LLC for Radio Frequency Enhancement for the basement of the 2100 Bloomdale location utilizing the State of Texas Department of Information Resources (DIR) contract DIR-SDD-597 and further authorize the Purchasing Agent to finalize and execute the agreement, Information Technology.

**COURT ORDER NO. 2008-445-06-23**

g. Amendment(s):

1. AI-28442 No. 1 to Professional Services: Proposed Right-of-Way Donation from Pate Rehabilitation Clinic for the Collin County Outer Loop (Contract No. 12106-08) with HNTB Corporation to extend the completion date to September 1, 2008 and further

authorize the Purchasing Agent to finalize and execute same, Engineering.

**COURT ORDER NO. 2008-446-06-23**

2. AI-28458 No. 2 to Professional Services: Proposed Right-Of-Way Donation Pate Rehabilitation Clinic for the Collin County Outer Loop from with HNTB Corporation to provide various changes to the contract, budget amendment in the amount of \$14,500 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

**COURT ORDER NO. 2008-447-06-23**

3. AI-28438 No. 4 to Professional Services: Planning and Engineering Services for the future Eastern and Southern Expansion of the Collin County Outer Loop with HNTB Corporation (RFI 04071-04) to extend the completion date to December 1, 2008 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

**COURT ORDER NO. 2008-448-06-23**

h. Change Order(s):

1. AI-28411 No. 4 to Services: Armored Car (IFB No. 09127-06) with Dunbar Armored, Inc. to add a 7% fuel surcharge for an increase of \$281.32 per month effective June 1, 2008 and further authorize the Purchasing Agent to finalize and execute same (budgeted), Auditor.

**COURT ORDER NO. 2008-449-06-23**

i. Budget adjustment/amendment(s):

1. AI-28419 Annual Maintenance Contract with L3 Communications Security and Detection Systems, Inc. (per the State TXMAS-5-84050 contract) for the x-ray machines located at the University Drive Courts Facility and the Collin County Courts Facility, budget amendment in the amount of \$7,200 and further authorize the Purchasing Agent to finalize and execute the agreement, Homeland Security.

**COURT ORDER NO. 2008-450-06-23**

j. Receive and File, Auditor:

1. AI-28445 2nd Quarter Investment Report for FY2008.

**COURT ORDER NO. 2008-451-06-23**

k. Filing of the Minutes, County Clerk:

1. AI-28453 June 3, 2008.

**COURT ORDER NO. 2008-452-06-23**

2. AI-28471 June 10, 2008. Judge Self requested the minutes for the June 10, 2008 Court be changed to accurately reflect his comments regarding Miscellaneous item I1-AI 28407 in which the Court discussed negotiating fees with firms receiving the highest score for special projects. After reading the minutes, Judge Self disagreed with the verbiage used and wanted the minutes to include his indication that the selection process could be violating state law. Commissioner Jaynes stated he wanted to review the statute as it is a matter of interpretation. Commissioner Hatchell said that for professional services, the Court can select a firm based on qualifications to negotiate a contract. In those two particular cases, one firm was recommended for two projects, so the Court went with a second firm. There was nothing illegal about the process. Judge Self then stated that the firm which was selected to negotiate a contract, Jacobs Carter Burgess, could have a conflict of interest on a special district. Judge Self made a motion to approve the minutes if the changes could be made as requested. Commissioner Hoagland said he did not think the County violated any state law. Judge Self said he spoke with Jim Allison who is the most knowledgeable of state and local government code and he agreed that the Court can design the system, and form a committee to put a procedure in place to grade firms. State law says when you go with the number one then you must negotiate with that company. Commissioner Jaynes said once the "Court" goes with the number one company you must negotiate, this issue is the "committee". Judge Self then stated that is a distinction that does not seem to be in state law according to Mr. Allison. Commissioner Cole requested that Mr. Allison address the Court to explain. Further discussion followed regarding the firms recommended for the special projects. Commissioners' Hatchell and Cole said they wanted to review the previous Court's record

before they voted. Commissioner Hoagland said this should be held until they could review and make a decision. Judge Self asked that the comments reflect his attempt to make said changes. (Time 1:55:00 p.m.)

**NO ACTION TAKEN**

I. Miscellaneous

1. AI-28449 Texas Association of Counties membership dues for 2009 (budgeted), Commissioners Court.  
**COURT ORDER NO. 2008-453-06-23**
2. AI-28450 Appraisal Services for the required right-of-way needed for the widening of FM 2514 for the Craft Family Trust Property on the north side of FM 2524 just west of Stinson Road and budget amendment in the amount of \$2,500 for same, Engineering.  
**COURT ORDER NO. 2008-454-06-23**
3. AI-28427 Amend Fee Schedule to increase the fee for dust control from .15 to .25 per linear foot, Public Works.  
**COURT ORDER NO. 2008-455-06-23**
4. AI-28418 Rental of Myers Park by Volunteer McKinney Center for Round up on the Range on October 17-18, 2008 in the amount of \$3000 for the two day event, Special Projects. Commissioner Hoagland asked for the normal rental rate and the reason for renting the entire park. Linda Dixon, Myers Park, stated that they have repeat groups that hold their events at the park year after year, so they reserve a place for them. She also said that whenever someone wanted the park for a full two days, the request is brought before the Court for approval. Commissioner Jaynes moved to approve Commissioner Cole seconded, and the motion passed with a 4-1 vote of the Court. Commissioner Hoagland voted no. (Time 1:57:43 p.m.)  
**COURT ORDER NO. 2008-456-06-23**

**GENERAL DISCUSSION**

**Item No. 5** AI-28357 Discussion and any action regarding the effect of the District Judges longevity pay in relation to similarly tenured County Court at Law Judges per section 25.0005 of the Government Code, CCL2. Judge Jerry Lewis, County Court at

Law II addressed the court to request additional pay for County Court at Law Judges according to Senate Bill 600 which mandates how CCL Judges are paid. The state also allocated \$40,000 per Court to cover any additional expenses SB 600 incurred. Judge Lewis cited an AG Opinion from 2003, which reads if a County Level Judge is similarly situated to a District Judge that gets more, then the County Level Judge is entitled to the additional amount. In an effort to become compliant with SB 600, it was requested that the additional amount of \$4,866 each be given to Judges Jerry Lewis, Weldon Copeland and John O. Barry's salaries. Monika Arris, Budget, said she would need to amend the budget for this fiscal year to pay the additional funds because it was not previously budgeted. Commissioner Hoagland made a motion to approve the request and retro back to September. Don Cozad, Auditor, and Cynthia Jacobson, Human Resources said the County cannot retro the pay. Ms. Jacobson stated it would be better from a Human Resources standpoint to pay the money in a one time payment rather than divide it over the remaining pay periods. Judge Self asked for clarification on payment to date or for the whole fiscal year. Ms. Jacobson said the whole fiscal year. Commissioner Hoagland moved to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time 2:10:43 p.m.)

**COURT ORDER NO. 2008-457-06-23**

**Item No. 6** AI-28464 Consideration, discussion and any action regarding the adoption of a Homestead Exemption, Budget. Monika Arris, Budget, addressed the court and said this is the last Court to adopt an exemption for tax year 2008. Judge Self asked about the 15 million dollars in expenditure funds which had been set aside. Ms. Arris said the County had just started using those funds for the Outer Loop project. Discussion followed regarding options presented to the Court. Commissioner Jaynes proposed a 5% homestead exemption with a ¼ cent tax cut. Commissioner Hoagland did not think this was a good time to commit. Judge Self agreed with Commissioner Hoagland. Discussion followed on the effects of tax rates on business versus families. Commissioner Jaynes recommended the court vote on the homestead exemption first and look into the tax rate and capital improvements when getting deeper into the budget. Commissioner Jaynes moved to approve a 5% homestead exemption, Commissioner Cole seconded and the motion passed with 3-2 vote of the Court. Judge Self and Commissioner Hoagland voted no. (Time 2:21:47 p.m.)

**COURT ORDER NO. 2008-458-06-23**

**Item No. 7** AI-28430 Consideration, discussion and any action regarding the Tax Abatement Agreement with Ensemble Studios/Microsoft and The Shops at Legacy (North) LLC, Reinvestment Zone No. 113, City of Plano. Judge Self commended Monika Arris, Budget, for her recommendation to the Court based on County policy. Commissioner Jaynes stated he would vote against the item because of Budget's recommendation that the abatement is against County policy. Commissioner Hoagland



moved to approve, Commissioner Cole seconded and the motion passed with a 4-1 vote of the Court. Commissioner Jaynes voted no. (Time 2:25:58 p.m.)

**COURT ORDER NO. 2008-459-06-23**

**Item No. 8** AI-28404 Update, discussion and any action regarding the solid waste municipal solid waste facility site study, Public Works. Jon Kleinheksel, Public Works, addressed the Court stating R.W. Beck, who performed the study, was unable to appear. Mr. Kleinheksel presented the study. Mr. Kleinheksel requested that the Court create an ordinance which will allow the County to decide where the next landfill will be built in Collin County. Mr. Kleinheksel pointed out the only difference in the updated presentation was it included the outer Loop. He requested the Court move forward with approving an ordinance. Commissioner Jaynes stated he did not want the landfill in Collin County and he wanted the option of telling a builder no on where they could build. Commissioner Cole made a motion to direct Mr. Kleinheksel to bring back an ordinance for review by the Court. Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court (Time 2:32:47 p.m.)

**COURT ORDER NO. 2008-460-06-23**

**Item No. 9** AI-28459 Update, discussion and any action regarding the Phase IV of the Solid Waste Management Plan, Public Works. Bill Hindman, Chiang, Patel and Yerby, Inc. addressed the Court with an update to Phase IV. This phase was preparing a document to seek proposals for someone to contract to collect waste outside the jurisdiction of the various cities. Mr. Hindman continued saying this proposal is to update the data and Phase IV, then come back to Court to determine whether or not to proceed. Mr. Kleinheksel said of the estimated 320 illegal dumpsites half are in the ETJ. Commissioner Jaynes moved to approve Phase IV, Commissioner Cole seconded and the motion passed with a 5-0 vote of the Court. (Time 2:39:02 p.m.)

**COURT ORDER NO. 2008-461-06-23**

**Item No. 10** AI-28468 Consideration, discussion and any action regarding written notice received from IESI for the implementation of hauling charges to all recycling center locations, effective July 1, 2008 (not budgeted), Public Works. Jon Kleinheksel, Public Works, requested approval of a contract with IESI to remove trash from recycling centers stating 50% of the County's recycling centers have become illegal dumpsites. With this contract IESI will come out and remove the trash from the centers. Commissioner Jaynes moved to approve, Commissioner Hatchell seconded, and the motion passed with a vote of 5-0 of the Court. (Time 2:41:14 p.m.)

**COURT ORDER NO. 2008-462-06-23**

**Item No. 11** AI-28467 Consideration, discussion and any action regarding an additional trash day once a month and further authorize the payment of overtime in lieu of comp time due to the difficulty in staffing the trash day events, Public Works. Jon

Kleinheksel, Public Works, stated that this "Beautification Day" program has grown to 700 vehicles per event. It has become increasingly more difficult to staff the events because all that can be offered to employees is comp time. Judge Self asked what the cost would be. Cynthia Jacobson, Human Resources, stated if held once a month the cost would be \$20,000 annually, if held twice a month the cost would be \$40,000. Commissioner Cole commented that if we do not do something about the trash problem now, it will not go away. It will grow to a point that it will cost more money in damages than the cost of paying the overtime. Commissioner Jaynes moved to approve, Commissioner Cole seconded, and the motion passed with a vote of 5-0 of the Court. (Time 2:47:07 p.m.)

**COURT ORDER NO. 2008-463-06-23**

**Item No. 12** AI-28475 Consideration, discussion and any action regarding Personnel Appointments, Human Resources. Cynthia Jacobson, Human Resources, addressed the Court and stated all appointments are within standards. Commissioner Hatchell moved to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time 2:48:26 p.m.)

**COURT ORDER NO. 2008-464-06-23**

**Item No. 13** AI-28476 Consideration, discussion and any action regarding Personnel Changes, Human Resources. Cynthia Jacobson, Human Resources, stated all changes are within standards. Commissioner Hatchell moved to approve, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court (Time 2:48:47 p.m.)

**COURT ORDER NO. 2008-465-06-23**

**Item No. 14** AI-28469 Consideration, discussion and any action regarding the list of all Collin County Take Home Vehicles (Marked and Unmarked), Public Works. Jon Kleinheksel, Public Works, provided the Court with a brief description of the needs of each department. Judge Self asked Human Resources to provide a benefit amount that could be treated as compensation. Cynthia Jacobson, Human Resources, stated that IRS rules indicate if the vehicle is used for business purposes there is no taxation. Commissioner Cole commented that take home vehicles are not a benefit because that person would be on call 24 hours a day. Commissioner Hoagland asked if the plates are exempt. Mr. Kleinheksel said not all of them. Exempt is a law enforcement distinction and does not hold any monetary meaning. Unmarked cars are exempt, marked are non-exempt. Commissioner Hoagland said all County vehicles should be marked with the County logo and if the plates are non-exempt they should be identified as government plates. Sheriff Box addressed the Court and stated that Mental Health cars have to be unmarked by law and unmarked cars are not allowed for personal use whatsoever. The Sheriff also said his office is also looking at ways to cut gas costs and possibly eliminating some of the take home vehicles altogether. Constable Bob Bell

addressed the Court and requested that if the Commissioners voted to mark all County vehicles, then he wanted his vehicles marked with the Constable's logo. Commissioner Hoagland made a motion to mark all County vehicles with the County logo and identify plates as government. The motion died for lack of a second. (Time 3:03:21 p.m.)

**NO ACTION TAKEN**

**Item No. 15** Consideration, discussion and any action regarding 2007 RTR funding, Commissioners Court Commissioner Jaynes stated the Outer Loop is still not in the RTR, which is something the County should be looking at. The big thing is to get money back from Austin before the legislature meets. Commissioner Jaynes continued saying, Michael Morris, Director of Transportation, RTC is meeting with the Legislative Budget Board to try to do that and monthly meetings are set up with Mr. Morris. Commissioner Jaynes stated he and Judge Self will be attending and would be willing to alternate with the other Commissioners. There will be monthly meetings with TxDOT as well. Judge Self commented that he is meeting monthly with the Transportation Director of COG, the District Engineer from TxDOT and Commissioner Jaynes Collin County's RTC representative. (Time 3:04:07 p.m.)

**COURT ORDER NO. 2008-411-06-23**

**Item No. 16** Possible future agenda items by Commissioners Court without discussion. Commissioner Jaynes stated the Court will have an RFP on the July 8, 2008 agenda. Plano, Allen, Fairview, Melissa, Anna and McKinney will also have the same RFP, which is to request a proposal on how to expedite rail service. Both RTC and COG said they would pay for this study. Commissioner Jaynes further stated the purpose of the study is to look at mass transit including buses. With the upcoming construction at Highways 75 and 380, one of the worst intersections in Collin County, Commissioner Jaynes would like to have TxDOT come to Court and discuss possibly building a tunnel under Highway 380 similar to the one at Spring Valley. (Time 3:11:17 p.m.)

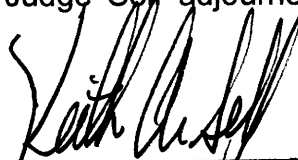
The July 15, 2008, workshop was cancelled due to lack of quorum.

Monika Arris, Budget, re-addressed the Court to ensure everyone was aware that per the tax code the minimum is \$5,000 for the homestead exemption, so houses valued at less than \$100,000 would get the \$5,000 exemption instead of 5% of the value of their home. (Time 3:11:17 p.m.)

**EXECUTIVE SESSION**

There were no items for Executive Session.

There being no further business of the Court, Judge Self adjourned the meeting at 3:11:43 p.m.



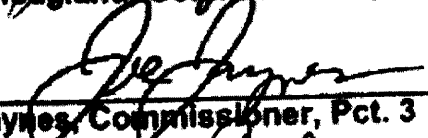
Keith Self, County Judge



Phyllis Cole, Commissioner, Pct. 1



Jerry Heagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4



ATTEST:



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