

THE STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

November 11, 2008

On Tuesday, November 11, 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
Kathy Ward (Not Present)

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

Commissioner Jaynes led the Invocation.

Judge Self led the Pledge of Allegiance.

Commissioner Cole led the Pledge to the Texas Flag.

President Self called the Collin County Health Care Foundation meeting to order at 1:35 p.m. and adjourned at 1:40 p.m.

Item No. 1 Judge Self convened the Collin County Commissioners Court meeting at 1:40 p.m.

COMMISSIONERS COURT MEETING

FYI NOTIFICATION

1. AI-29251 Change Order No. 4 to Supplies: Janitorial (IFB No. 07107-06) with Eagle Brush Chemical, Inc. to replace Hawk Automatic Dishwashing Liquid with Palmolive Gel Dishwashing Detergent (no change in price), Purchasing.
2. AI-29253 Change Order No. 7 to Construction, Building: Collin County Administration Building (IFB No. 05097-07) with Ratcliff Constructors, L.P. to make various changes to the contract (budgeted), Construction & Projects.
3. AI-29258 Utilization of Department of the Information Resources (DIR) contracts for IT infrastructure services to the new Administration Building with Coleman Technologies, Inc. (Contract No. DIR-SDD-234) per Court Order No. 2004-188-03-23 which complies with Local Government Code 271.102 (budgeted), Information Technology.

4. AI-29252 Receipt of a rebate check from JP Morgan Chase in the amount of \$3,240.92 as an incentive for participation in the State of Texas Procurement Card program, Purchasing.

5. AI-29266 Budget amendment(s)/adjustment(s) totaling \$777,167 (over \$5,000 per c/o 2005-589-08-01), Budget.

6. Decisions mandated by legal entities outside of Commissioners Court authority:

a. AI-29195 Executed engagement letter for county audit services with Patillo, Brown & Hill LLP for the Juvenile Probation Department for the year ended August 31, 2008, Auditor.

b. AI-29234 One time bonus payment (payable through the County payroll) in the amount of \$2,703.37 to Margaret Emily Johnson-Liu for October, 2008 utilizing the DA Service Fee (not budgeted), District Attorney.

Item No. 2 Public Comments. Public comments were heard during the agenda items to which they pertained.

Item No. 3 Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of November, Human Resources.

Frank Ybarbo, Purchasing, presented Matt Dobecka with a ten-year service pin. Mr. Ybarbo congratulated Matt on being "a success story". (Time: 1:41:36 p.m.)

Candy Blair, Health Care Services, presented Tele Young with a twenty-year service pin. Ms. Blair stated Health Care Services is grateful for Ms. Young. (Time: 2:01:44 p.m.)

Item No. 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 Jaynes requested item f2 be pulled; Judge Self pulled e4 and l3. Commissioner Hoagland made a motion to approve the remainder of the consent agenda, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 1:42:15 p.m.)

a. Filing of the November 11, 2008, Regular Agenda.

COURT ORDER NO. 2008-985-11-11

b. AI-29243 Disbursements for the period ending November 5, 2008, Auditor.

COURT ORDER NO. 2008-986-11-11

c. AI-29239 Tax Refunds totaling \$213,377.28, Tax Assessor Collector.

COURT ORDER NO. 2008-987-11-11

d. Advertisement(s):

1. AI-29249 Services, IT Audit (RFP No. 10171-09) (budgeted), Information Technology.

COURT ORDER NO. 2008-988-11-11

2. AI-29259 Software & Implementation Services for ERP Financial Software (RFP No. 11196-09) (budgeted), Information Technology.

COURT ORDER NO. 2008-989-11-11

3. AI-29247 Software: Tax Assessor Collector (RFP No. 09672-08) (budgeted), Information Technology.

COURT ORDER NO. 2008-990-11-11

4. AI-29241 Equipment, Grounds (IFB No. 10091-09) (budgeted), Public Works.

COURT ORDER NO. 2008-991-11-11

5. AI-29240 Heavy Duty Tire Changer and Accessories (IFB No. 10092-09) (budgeted), Public Works.

COURT ORDER NO. 2008-992-11-11

e. Award(s):

1. AI-29211 Insurance: Medical, Dental, FSA, and Cobra (RFP No. 08621-08) (budgeted), Human Resources.

COURT ORDER NO. 2008-993-11-11

2. AI-29212 Insurance: Pharmacy Drug Program (RFP No. 08622-08) (budgeted), Human Resources.

COURT ORDER NO. 2008-994-11-11

3. AI-29213 Insurance: Stop Loss Coverage (RFP No. 08616-08) (budgeted), Human Resources.

COURT ORDER NO. 2008-995-11-11

4. AI-29147 Services: Psychological Evaluations, Juveniles (RFP No. 08601-08) to Spartan Psychological Consulting (budgeted), Juvenile Probation. Judge Self suggested this be put on Workshop and discussed in more detail. Commissioner Cole stated she met previously with representatives from UNT and met yesterday with Judge Wheless, Mr. Ybarbo and Joe Scott from Juvenile Probation. Judge Wheless felt, after review of the proposals with Mr. Scott, that Spartan Psychological presented the best proposal. Dr. Ed Miles,

Director of Psychology, UNT, spoke on behalf of the University of North Texas Health Science Center Medical School. Dr. Miles stated UNT's costs were 45% less, which would result in a \$70,000 to \$100,000 savings. Dr. Miles assured the Court of UNT's commitment to the youth of Collin County and assured the Court would be happy with their services. Dr. Miles listed his experience and successes in similar positions. Joe Scott, Juvenile Probation, explained the process for awarding the bid to Spartan Psychological Consulting. Discussion followed between the Court and Mr. Scott. Mr. Scott noted Spartan Psychological fees were 50% higher than UNT's fees. Commissioner Jaynes wanted to hear from Judge Wheless. Judge Self stated this item would be held until the next Court. (Time: 1:56:04 p.m.)

HELD

f. Agreement(s):

1. AI-28825 Celina Community Library in the amount of \$4,035 (totaling \$16,138).

COURT ORDER NO. 2008-996-11-11

2. AI-29279 Assignment and Assumption of Second Amended and Restated Tax Abatement Agreement (approved by Court Order No. 2001-199-04-09), Reinvestment Zone No. 20 from Second Century Investments (SCI) Allen Hotel Ltd. to Apple Nine SPE Allen, Inc. and further authorize the County Judge to finalize and execute same, Budget. Commissioner Jaynes asked Monika Arris, Budget, for clarification of the requested change. Ms. Arris stated the hotel and business were the same, but were under new ownership; as a result, the new owner would assume the abatement. Commissioner Jaynes made a motion to approve, Commissioner Hoagland seconded, and the motion passed with a 4-0 vote of the Court. (Time: 1:56:04 p.m.)

COURT ORDER NO. 2008-997-11-11

3. AI-29278 Novation Agreement for Supplies: Herbicides, Fungicides, Insecticides, and Miscellaneous Chemicals (IFB No. 04064-05) to change the name from UAP Distribution, Inc. to UAP, Inc. and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2008-998-11-11

g. Amendment(s):

1. AI-29246 No. 1 to Equipment & Maintenance: Fiber Optic Cable for the County Wide Area Network (Contract No. 10167-09) with Capco Communications, Inc. to make various changes to the contract and further authorize the Purchasing Agent to finalize and execute same (budgeted), Information Technology.

COURT ORDER NO. 2008-999-11-11

2. AI-29238 No. 2 for Animal Control Services with the City of Princeton to extend the contract for one (1) year through and including September 30, 2009 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2008-1000-11-11

3. AI-29237 No. 2 for Animal Shelter Services with the City of Princeton to extend the contract for one (1) year through and including September 30, 2009 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2008-1001-11-11

h. Change Order(s):

1. AI-29156 No. 1 to Supplies: Fleet Repair Parts (IFB No. 07131-07) with O'Reilly Auto Parts to reflect various price increases/decreases and further authorize the Purchasing Agent to finalize and execute same (budgeted), Public Works.

COURT ORDER NO. 2008-1002-11-11

2. AI-29283 No. 1 to Signs: Road, Parking & Custom (IFB No. 02046-06) with ROCAL Inc. to reflect an average price increase of 10% on various contract items and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2008-1003-11-11

3. AI-29158 No. 1 to Supplies: Herbicides, Fungicides, Insecticides and Miscellaneous Chemicals (IFB No. 04064-05) with Justin Seed to cancel the contract per section 2.12 of the terms and conditions and further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2008-1004-11-11

4. AI-29162 No. 2 to Supplies, Tires (IFB No. 07128-07) with Southern Tire Mart to reflect a 12% price increase and further authorize the Purchasing Agent to finalize and execute same (budgeted), Public Works.

COURT ORDER NO. 2008-1005-11-11

5. AI-29173 No. 3 to Supplies: Jail and Personal Inmate (IFB No. 04065-05) with Bob Barker to add MTJ American mattresses (\$62.95 each) to the contract and further authorize the Purchasing Agent to finalize and execute same (budgeted), Sheriff.

COURT ORDER NO. 2008-1006-11-11

i. Budget adjustment/amendment(s):

1. AI-29276 \$3,795,600 to break out the 2003 Bond Program Open Space projects into a separate fund from the 2007 Bond Program projects to more efficiently track the Bond Program activity, Budget.

COURT ORDER NO. 2008-1007-11-11

j. Receive and File, Auditor:

1. Final Audit Result(s):

a. AI-29268 County Clerk (2nd Quarter FY2008).

COURT ORDER NO. 2008-1008-11-11

b. AI-29270 Justice of the Peace, Precinct 3-2 (2nd & 3rd Quarters FY2008).

COURT ORDER NO. 2008-1009-11-11

c. AI-29274 Constable, Precinct 4 (2nd & 3rd Quarter FY2008).

COURT ORDER NO. 2008-1010-11-11

d. AI-29271 Constable, Precinct 1 (3rd and 4th Quarters FY2008).

COURT ORDER NO. 2008-1011-11-11

e. AI-29288 SCORE (Sheriff's Convicted Offender Reentry Effort) program FY2007.

COURT ORDER NO. 2008-1012-11-11

2. Annual Inventory FY2008:

a. AI-29269 Computer Parts Warehouse.

COURT ORDER NO. 2008-1013-11-11

b. AI-29289 Justice Center Kitchen.

COURT ORDER NO. 2008-1014-11-11

c. AI-29290 Minimum Security Kitchen.

COURT ORDER NO. 2008-1015-11-11

3. Payroll Audit:

a. AI-29273 Community Supervision and Corrections Department (CSCD).

COURT ORDER NO. 2008-1016-11-11

b. AI-29272 Homeland Security.

COURT ORDER NO. 2008-1017-11-11

k. Filing of the Minutes, County Clerk:

1. AI-29244 October 21, 2008 - Workshop.
COURT ORDER NO. 2008-1018-11-11

2. AI-29282 October 28, 2008.
COURT ORDER NO. 2008-1019-11-11

l. Miscellaneous

1. AI-29281 Establish a cash drawer in the amount of \$100,
County Court at Law Clerk.
COURT ORDER NO. 2008-1020-11-11

2. AI-29280 Reassignment of a cash drawer in the amount of
\$100 from Jennifer Williams to Stephanie Ables, County Court at Law Clerk.
COURT ORDER NO. 2008-1021-11-11

3. AI-29264 Acceptance of the FY2009 Violence Against
Women (VAWA) grant funds from the Office of the Governor - Criminal Justice
Division in the amount of \$25,000 (35% or \$13,726 County match), approval of a
part-time Chief Misdemeanor Prosecutor position in the District Attorney's office
and budget amendment in the amount of \$63,726 for same, District Attorney.
Cynthia Jacobson, Human Resources, stated the title of part-time Chief
Misdemeanor Prosecutor needed to be changed to a part-time felony position, per
District Attorney John Roach. Ms. Jacobson further requested that funds for this
position be placed in contingency until such time as they are allocated to such
position. Commissioner Hoagland made a motion to approve, Commissioner Cole
seconded, and the motion passed with a 4-0 vote of the Court. (Time: 1:57 p.m.)
COURT ORDER NO. 2008-1022-11-11

4. AI-29263 Final Plat for South Gate Phase II, Engineering.
COURT ORDER NO. 2008-1023-11-11

5. AI-29179 Purchase of one (1) remote release button, phone
and camera viewed and controlled at the Bloomdale Courthouse Security Guard
Kiosk to open the overhead door at the receiving dock and budget adjustment in
the amount of \$5,842 for same, Homeland Security.
COURT ORDER NO. 2008-1024-11-11

6. AI-29299 Creation of a temporary Court Administrator
position to provide training for the new 380th Court Administrator for the period
beginning December 1, 2008 through January 1, 2009 and budget amendment in
the amount of \$5,395 for same, Human Resources.
COURT ORDER NO. 2008-1025-11-11

7. AI-29257 Purchase of fourteen DVD/VCR Combo Players to replace obsolete DVD Players for the Jury Deliberation rooms in the District Courts and County Courts (budgeted), Information Technology.

COURT ORDER NO. 2008-1026-11-11

8. AI-29245 Designation of MCCi (Municipal Code Corporation Innovations) as a sole source provider per Local Government Code 262.024(a)(7)(A) for Laserfiche software maintenance and software (budgeted), Information Technology.

COURT ORDER NO. 2008-1027-11-11

GENERAL DISCUSSION

Item No. 5 AI-29159 Public Hearing - Consideration, discussion and any action regarding the placement of Regulatory Signs on various County Roads, Public Works. Jon Kleinheksel, Public Works, came forward and stated the request for regulatory signs was for approximately 70 miles of new road construction. Judge Self asked if any member of the public wanted to comment on the regulatory signs. There were none and Judge Self closed the public hearing. Commissioner Jaynes made a motion to approve, Commissioner Hoagland seconded, and the motion passed with a 4-0 vote of the Court. (Time: 1:59:03 p.m.)

COURT ORDER NO. 2008-1028-11-11

Item No. 6 AI-29160 Public Hearing - Consideration, discussion and any action regarding the adoption of a Solid Waste Facility Siting Ordinance, Public Works. Jon Kleinheksel, Public Works, again came forward and requested that the Court adopt the Solid Waste Facility Siting Ordinance with assurance that due diligence was completed. Judge Self asked if any member of the public wanted to comment on the adoption of this ordinance. There were none and Judge Self closed the public hearing. Commissioner Hoagland made a motion to approve, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:00:40 p.m.)

COURT ORDER NO. 2008-1029-11-11

Item No. 7 AI-29287 Consideration, discussion and any action regarding approval to implement an Employee Incentive/Reward Program utilizing procurement program rebates, Purchasing. Frank Ybarbo, Purchasing, came before the Court with a plan to offer employees small incentives for good deeds, excellence, or suggestions which result in saving the County money. The money for such a plan would come from rebates which previously were put back in the General Fund. Cynthia Jacobson, Human Resources, wanted to see a focus group formed. Mr. Ybarbo concluded by requesting that the Court allow him to set up an account. Judge Self gave direction for the formation of a focus group. Commissioner Hoagland made a motion to establish an account, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:07:19 p.m.)

COURT ORDER NO. 2008-1030-11-11

Item No. 8 **AI-29170** Consideration, discussion and any action regarding the acceptance of a Patrol car from the City of Lucas to be used as a second vehicle for the Citizens on Patrol (COP) program by approved and trained COP volunteers in the southern part of Collin County and housed at the Lucas Fire Department, Sheriff. Bill Carmickle, Mayor, stated the City of Lucas would like to donate a patrol car no longer in use for the County to use as a Citizens on Patrol vehicle. The City of Lucas will house and fuel the vehicle; the County will maintain the vehicle. Mayor Carmickle would like to see this program eventually become a County wide program through other cities. Commissioner Jaynes liked the idea. Terry Box, Sheriff, supported the program. Commissioner Hoagland made a motion to approve, Commissioner Jaynes seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:11:33 p.m.)

COURT ORDER NO. 2008-1031-11-11

Item No. 9 **AI-29298** Consideration, discussion and any action regarding the appointment of a Collin County representative to serve on the Board of Directors of Tax Increment Reinvestment Zone One (TIRZ 1) for the Blue Star "Gates of Prosper" development, Commissioners Court. Commissioner Hoagland nominated Commissioner Jaynes to serve on the Board of Directors, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:12:01 p.m.)

COURT ORDER NO. 2008-1032-11-11

Item No. 10 **AI-29235** Consideration, discussion and any action regarding Personnel Appointments, Human Resources. Cynthia Jacobson, Human Resources, stated all appointments were at step one. Commissioner Jaynes made a motion to approve, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:12:26 p.m.)

COURT ORDER NO. 2008-1033-11-11

Item No. 11 **AI-29236** Consideration, discussion and any action regarding Personnel Changes, Human Resources. Cynthia Jacobson, Human Resources, again came before the Court and stated all changes followed guidelines, with the exception of Lucretia Barch. Ms. Jacobson explained Ms. Barch was reclassified, and reclasses do not increase salary. HR does not recommend the 28% increase suggested by Judge Copeland. Commissioner Hoagland made a motion to approve based on HR's recommendation, Commissioner Cole seconded, and the motion passed with a 4-0 vote of the Court. (Time: 2:13 p.m.)

COURT ORDER NO. 2008-1034-11-11

Item No. 12 **AI-29309** Discussion and any action regarding Potential 81st Legislative items, Commissioners Court. Judge Robert Dry asked the Court to reserve comments until Judge Oldner, who could not be present, could appear. Judge Self felt the Court was familiar with the issues due to prior discussions and made a motion to address this matter today. Judge John Roach, Jr., come forward

and again presented an argument for the need for three additional district courts. Case study estimates the average is one district court per 55,000 residents; Collin County has one district court for every 95,000 residents. Judge Self stated the OCA agrees that Collin County is ahead, not behind, in adding courts. Discussion continued between Judge Roach and the Court, which included an update on Odyssey. Richard Abernathy, Attorney, spoke about the need for additional courts from the civil lawsuit perspective, noting, per statute, criminal cases are heard before civil cases, which can cause hardship for his clients. Sharon Easley, Attorney, addressed the Court next, stating in her experience, Collin County judges are the most efficient. As a family law attorney, Ms. Easley felt three courts were needed to meet the growing demands of the County. Judge Dry returned to address the Court, stating the biggest problem the district courts are facing right now is Odyssey. Additionally, according to a study, Collin County courts are the second busiest courts in Texas. Judge Self dislikes the use of videoconferencing with defendants; stating he prefers to speak directly to the defendants and their families. Finally, Judge Dry supported the need for three additional courts, failing to "see the downside of doing too many courts quickly". Commissioner Cole requested that this item be continued until Judge Oldner could appear. Judge Self withdrew his motion and stated the issue would be held. (Time: 3:15:01 p.m.)

NO ACTION TAKEN

Item No. 13 Consideration, discussion and any action regarding 2007 RTR funding, Commissioners Court. Commissioner Jaynes presented an update on RTR funding, stating he voted against the creation of a transportation district. Commissioner Jaynes also notified the Court that Rider Scott would be present to speak at the next Court. (Time: 3:16:51 p.m.)

NO ACTION TAKEN

Item No. 14 Possible future agenda items by Commissioners Court without discussion. Commissioner Hoagland had two items he wanted to see on a future agenda: the appointment of a Chaplain to the Commissioners Court and, secondly, he wanted to see the position of Environmental Deputy moved from the Fire Marshall's office to the Department of Public Works. Commissioner Jaynes again noted that Rider Scott would be present at the next Court. (Time: 3:32:41 p.m.)

EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session, in accordance with Chapter 551 of the Government Code, at 3:16 p.m. and returned to open court at 3:30 p.m., to discuss the following subjects:

(Commissioner Cole was not present.)

Board/Committee Appointments (551.0745)

AI-29292 Board/Committee Appointments. Commissioner Cole appointed William McFadden to the Historic Commission before recessing into Executive Session. Upon returning to court Commissioner Hoagland seconded the motion, and the motion passed with a 3-0 vote of the Court. (Time: 3:30:17 p.m.)

Commissioner Hoagland appointed Lois Gough to the Historic Commission effective January 1st, 2009, Commissioner Jaynes seconded, and the motion passed with a 3-0 vote of the Court. (Time: 3:30:53 p.m.)

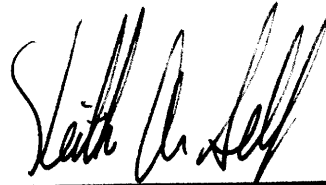
COURT ORDER NO. 2008-1035-11-11

Real Estate (551.072)

AI-29248 Purchase property for the Right-of-Way along the north side of FM 2514 (Parker Road), Special Projects. Judge Self made a motion to approve the use of \$211,000 to acquire right-of-way, Commissioner Hoagland seconded, and the motion passed with a 3-0 vote of the Court. (Time: 3:31:34 p.m.)

COURT ORDER NO. 2008-1036-11-11

There being no further business of the Court, Judge Self adjourned Court at 3:32 p.m.



Keith Self, County Judge

Abstained

Phyllis Cole, 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