

THE STATE OF TEXAS

COMMISSIONERS COURT
SPECIAL SESSION MINUTES

COUNTY OF COLLIN

NOVEMBER 18, 2008

On Tuesday, November 18, 2008, the Commissioners Court of Collin County, Texas, met in special session with the following members present, and participating to wit:

Keith Self
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Kathy Ward

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

Judge Self led the Invocation.

Commissioner Cole led the Pledge of Allegiance.

Commissioner Hoagland 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 1:39 p.m.

Item No. 1 Judge Self convened the Collin County Commissioners Court Special Session meeting at 1:39 p.m.

FYI NOTIFICATION

1. AI-29326 Addendum No. 1 to Water Filtration System (IFB No. 10079-09) to make various changes to the bid invitation, Facilities.
2. AI-29293 Agreement between the Collin County Sheriff's office and the Organized Crime Drug Enforcement Task Force (OCDEFT) to reimburse state and local law enforcement agencies for the overtime costs of law enforcement officers incurred while assisting in OCDEFT investigations through and including September 30, 2009 (Reimbursement amount NTE \$20,000), Auditor.
3. AI-29322 Utilization of the BuyBoard Cooperative contract to purchase various vehicles and equipment from Philpott Motors, Holt Cat and Southwest International Trucks (budgeted), Public Works.

Item No. 2 Public Comments. Judge Self stated today's public comments pertained to items which would be discussed in Executive Session; therefore, the Court would hear the public comments now but would not comment on them.

Danny R. Fenter, 7494 WFM 455, Celina, Texas, came forward to address item AI-29327, which pertained to a flood plain violation. Mr. Fenter had concerns about a peninsula built by Mr. Harris that has become a hazard. Mr. Fenter asked that the Court order Mr. Harris to remove it.

Tom Staley, P.O. Box 1209, Frisco, Texas, stated the illegal fill on the property started three years ago. Mr. Harris was warned to stop, but did not do so. Ruben Delgado, County Engineer, has sent numerous letters which have gone unanswered. The Conservation District and Corps of Engineers have both asked Mr. Harris to remove the fill; he has not. The situation has become dangerous for boaters, has damaged the ecological stability, has displaced the water for flood and has caused an eyesore. Mr. Staley requested that the illegal fill be removed.

Kyle Smith, 5504 Kara Lane, Parker, Texas, agreed with Mr. Fenter and Mr. Staley that the situation has become dangerous. Mr. Smith also feared further erosion. (Time: 1:47:41 p.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 Jaynes requested items 3f7 and 3h1 be pulled. Commissioner Hoagland made a motion to approve the remainder of the consent agenda, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 1:48:17 p.m.)

- a. Filing of the November 18, 2008, Regular Agenda.

COURT ORDER NO. 2008-1038-11-18

- b. AI-29303 Disbursements for the period ending November 12, 2008, Auditor.

COURT ORDER NO. 2008-1039-11-18

- c. AI-29277 Tax Refunds totaling \$17,498.01, Tax Assessor Collector.

COURT ORDER NO. 2008-1040-11-18

- d. Advertisement(s):

1. AI-29324 Striping, Roads and Parking Lots (IFB No. 10150-09) (budgeted), Public Works.

COURT ORDER NO. 2008-1041-11-18

- e. Award(s):

1. AI-29286 Software: Digital Audio Recording Transcription and Translation (RFP No. 09645-08) (budgeted), Homeland Security.

COURT ORDER NO. 2008-1042-11-18

2. AI-29328 Equipment, Lease: Road Construction and Right-of-Way Maintenance Equipment (IFB No. 08599-08) to Holt Cat (line items 1, 3, 6, 7, 11, 13, 18, and 19) and ESS Corporation (line items 8, 9, 12, and 14) (budgeted), Public Works.

COURT ORDER NO. 2008-1043-11-18

3. AI-29323 Road Materials: Hot Mix Asphaltic Concrete (IFB No. 10004-09) to Austin Asphalt, L.P. (budgeted), Public Works.

COURT ORDER NO. 2008-1044-11-18

f. Agreement(s):

1. AI-29232 Equitable Sharing Agreement and Certification with the Federal Government and the Collin County Sheriff's office for participation in the federal equitable sharing program and further authorize the County Judge to finalize and execute same (no fiscal impact), Auditor.

COURT ORDER NO. 2008-1045-11-18

2. AI-29317 Assignment of Tax Abatement Agreement, Reinvestment Zone 107 from Denbury Onshore LLC and KDC-Plano Investments I, LP to KanAm Grund Kapitalanlagegesellschaft mbH and further authorize the County Judge to finalize and execute same, City of Plano.

COURT ORDER NO. 2008-1046-11-18

3. AI-29313 Interlocal Agreement with the Town of Prosper for the reconstruction of Prosper Trail from the Dallas North Tollway (DNT) to Preston Road (2007 Bond Project No. 07-078) and further authorize the County Judge to finalize and execute same (County participation NTE \$2,217,713), Engineering.

COURT ORDER NO. 2008-1047-11-18

4. AI-29315 Interlocal Agreement with the Town of Prosper for the reconstruction of First Street from Preston Road to Coit Road (2007 Bond Project No. 07-079) and further authorize the County Judge to finalize and execute same (County participation NTE \$1,516,672 - budgeted) Engineering.

COURT ORDER NO. 2008-1048-11-18

5. AI-29316 Interlocal Agreement with the Town of Prosper for the reconstruction of Coit Road from First Street to US 380 (2007 Bond Project No. 07-080) and further authorize the County Judge to execute same (County participation NTE \$1,142,903 - budgeted) Engineering.

COURT ORDER NO. 2008-1049-11-18

6. AI-29321 Interlocal Agreement with the City of Wylie for reconstruction of CR 819 (Ballard Avenue) from Alanis Road to County Line Road (2007 Bond Project No. 07-098) and further authorize the County Judge to finalize and execute same (County 2008 participation is a NTE \$540,000.00 - budgeted) Engineering.

COURT ORDER NO. 2008-1050-11-18

7. AI-29294 Engineering Services Agreement with CH2M Hill for preliminary engineering of the Collin County Outer Loop from FM 6 to the Grayson/Collin County Line and further authorize Purchasing Agent to finalize and execute same (budgeted), Engineering. Commissioner Jaynes felt the item should read "Rockwall/Collin County Line" not "Grayson/Collin County Line". Tracy Homfeld, Engineering, agreed with Commissioner Jaynes. A discussion followed between the Court and Ms. Homfeld on the progress of construction. Commissioner Jaynes made a motion to approve with the change to Rockwall, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 1:52:25 p.m.)

COURT ORDER NO. 2008-1051-11-18

8. AI-29291 Engineering Services Agreement with HNTB Corporation for engineering plans and specifications preparation services to construct the 2-lane Outer Loop access road from US 75 to SH 121 and further authorize the purchasing agent to finalize and execute same (budgeted), Engineering.

COURT ORDER NO. 2008-1052-11-18

9. AI-29306 Agreement to Contribute Funds with the Texas Department of Transportation (TxDOT) for Right-of-Way acquisition on SH 5 at East Fork Trinity River (TxDOT Project RCSJ 0047-05-049), budget amendment in the amount of \$70,000 and further authorize the County Judge to finalize and execute same (County participation 10% or \$70,000), Engineering.

COURT ORDER NO. 2008-1053-11-18

10. Funding/Interlocal Agreement(s) for the 5th Series, Parks/Open Space Project Funding Assistance Program and further authorize the County Judge to finalize and execute same, Special Projects.

a. AI-29295 Blackland Prairie Raptor Center for various construction projects (NTE \$30,275).

COURT ORDER NO. 2008-1054-11-18

b. AI-29319 City of Anna for improvements to Natural Springs Park (budgeted - NTE \$400,000).

COURT ORDER NO. 2008-1055-11-18

c. AI-29305 City of McKinney for the acquisition of land along

the Wilson Creek Corridor (NTE \$192,500).

COURT ORDER NO. 2008-1056-11-18

g. Change Order(s):

1. AI-29262 No. 1 for the construction of the left bound turn lane at CR 509 and SH 121 with the Texas Department of Transportation (TxDOT) and further authorize the purchasing agent to finalize and execute same, Engineering.

COURT ORDER NO. 2008-1057-11-18

2. AI-29267 No. 5 to Supplies: Janitorial (IFB No. 07107-06) with Clean Care Inc. to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same (budgeted), Facilities.

COURT ORDER NO. 2008-1058-11-18

h. Budget adjustment/amendment(s):

1. AI-29325 \$10,000,000 to allocate funds for Outer Loop projects from Permanent Improvement funds, Budget. Commissioner Jaynes asked Monika Arris, Budget, about the funds allocated to the outer loop, stating he thought \$20,000,000 was allocated. Additionally, Commissioner Jaynes questioned whether that money should be transferred to the Collin County Toll Road Authority. Ms. Arris stated this \$10,000,000 was allocated as part of the FY08 Budget. Due to the time of year the funds were allocated, they were moved back into fund balances instead of being carried over, so this is a "clean-up" of the accounts from last year. Commissioner Hoagland made a motion to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 1:54:26 p.m.)

COURT ORDER NO. 2008-1059-11-18

i. Receive and File, Auditor:

1. AI-29265 Monthly Financial Statement for September 2008.

COURT ORDER NO. 2008-1060-11-18

j. Miscellaneous

1. AI-29338 Appointment of Trey Graham to serve as the Commissioners Court Chaplain, Commissioners Court.

COURT ORDER NO. 2008-1061-11-18

2. AI-29311 Re-designation of the section of County Road 88 cut off by re-alignment to County Road 1224 (with address updates), GIS/Rural Addressing.

COURT ORDER NO. 2008-1062-11-18

3. AI-29310 Re-designation of County Road 176 and the portion of County Road 175 north of County Road 134 to Lone Star Road (with address updates), GIS/Rural Addressing.

COURT ORDER NO. 2008-1063-11-18

4. AI-29284 Proceed with ADB Consulting, LLC for Installation, Integration, and Conversion of the Digital Audio Recording Transcription and Translation project (budgeted), Homeland Security.

COURT ORDER NO. 2008-1064-11-18

5. AI-29218 Specifications for an Enterprise Backup Solution and further authorize the use of Department of Information Resources (DIR) vendors to quote the solution through their approved contracts (budgeted), Information Technology.

COURT ORDER NO. 2008-1065-11-18

GENERAL DISCUSSION

Item No. 4 Consideration, discussion and any action regarding 2007 RTR funding, Commissioners Court.

a. AI-29337 Update from Rider Scott. Rider Scott, Attorney, Strasburger & Price, presented the Court with a handout and offered a briefing on the status of RTR funding at the request of Commissioner Jaynes. Mr. Scott started his presentation at the beginning, 2005, State Highway 121, which was originally a gas tax road, and continued to the present. There was discussion between the Court and Mr. Scott. Commissioner Hoagland voiced a concern that "the money will slip through our fingers". Judge Self asked Bill Bilyeu, Administrative Services, to draft a resolution to expedite moving the money to Collin County. Commissioner Hoagland asked Mr. Scott to draft a letter. Mr. Scott suggested having the letter signed by all four State Representatives and both State Senators. Commissioner Jaynes stated the County was on hold, awaiting the AG's opinion; he then thanked Mr. Scott for all of his work. (Time: 3:15:20 p.m.)

NO ACTION TAKEN

Item No. 5 AI-29308 Consideration, discussion and any action regarding approval to advertise for Services: Merchant Card and Integration (RFP No. 10164-09) (not budgeted), Information Technology. Caren Skipworth, IT, came before the Court stating this item pertained to credit card services for existing and new applications that the County is running. A credit card system is being sought to use in conjunction with Odyssey. A committee has been formed for this purpose, and Ms. Skipworth requested putting this item out as an RFP to see what options are available. Commissioner Hoagland made a motion to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 1:57:31 p.m.)

COURT ORDER NO. 2008-1066-11-18

Item No. 6 AI-29260 Consideration, discussion and any action regarding funding in the amount of \$275,000 to replace the I-Series with an N-Series Enterprise Storage Solution, Information Technology. Caren Skipworth, IT, again came forward with a Power Point presentation and stated this item was brought before the Court in the July Budget Workshop. IT is recommending that the County use existing short-term debt funds. Ms. Skipworth requested the Court use DIR (Department of Information Resources) rather than RFP to get cost estimates and then have the matter returned to Court for approval. Moving in this direction would save the County a considerable amount of money. Commissioner Hoagland made a motion to approve, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 2:02:55 p.m.)

COURT ORDER NO. 2008-1067-11-18

Item No. 7 AI-29172 Consideration, discussion and any action regarding funding in the amount of \$815,000 to upgrade Peoplesoft, CIJS Odyssey, VMware, MS Exchange hardware and software environments (not budgeted), Information Technology. Caren Skipworth, IT, once again came forward with a Power Point presentation recommending the use of existing short-term debt funds. This item was also presented in the July Budget Workshop; therefore, it is not in the FY09 budget. The County would save money as a result of a reduction of servers and annual server hardware maintenance. Ms. Skipworth continued with an explanation of the Power Point. Commissioner Hoagland made a motion to approve, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 2:11:15 p.m.)

COURT ORDER NO. 2008-1068-11-18

Item No. 8 AI-29147 Services: Psychological Evaluations, Juveniles (RFP No. 08601-08) to Spartan Psychological Consulting (budgeted), Juvenile Probation.

PULLED

Item No. 9 AI-29341 Consideration, discussion and any action regarding approval to move the Environmental Deputy from the Fire Marshal's office to Public Works, Commissioners Court. Commissioner Hoagland stated he wanted to move the Environmental Deputy from the Fire Marshal's office to Public Works; however, after meeting with Jon Kleinheksel, Public Works, he learned the Deputy would lose his law enforcement capability. As a result, Commissioner Hoagland was now requesting the position be moved to the Sheriff's office. Sheriff Terry Box addressed the Court, stating this position originated in the Sheriff's office in 2006. The following year the Budget Director moved the Environmental Officer to the Fire Marshal's office. Sheriff Box was willing to have this position report to Mr. Kleinheksel's office and be available for any projects needed. Bill Bilyeu, Administrative Services, stated David Toler is currently performing this job duty. Part of his responsibilities would be checking for illegal dumping on private property. Steve Deffibaugh, Fire Marshal, said he has three employees in his office. Their primary job, according to Local Government Code 352, is arson investigation. Discussion followed. Mr. Kleinheksel stated the probationers'

program had just started last week. Additionally, Mr. Kleinheksel will be traveling to McClellan County to observe a similar program there. Commissioner Jaynes stated he would like to be involved in future meetings and asked if this matter could be brought back to Court in a month. (Time: 2:31:35 p.m.)

HELD

Item No. 10 AI-29301 Consideration, discussion and any action regarding Personnel Appointments, Human Resources. Cynthia Jacobson, HR, stated all personnel appointments were within scheduled parameters. Commissioner Hoagland made a motion to approve, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 2:32:12 p.m.)

COURT ORDER NO. 2008-1069-11-18

Item No. 11 AI-29309 Discussion and any action regarding Potential 81st Legislative items, Commissioners Court.

Judge Self recommended item number 11, the vote on three additional District Courts, be postponed until the December 9, 2008, Commissioners Court.

a. AI-29309 Assess Impact Fees. Commissioner Jaynes made a motion to approve, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:36:50 p.m.)

COURT ORDER NO. 2008-1070-11-18

Judge Self addressed item number 12: reorganize the court system in Texas as proposed by Chief Justice Wallace Jefferson by expanding the jurisdiction of existing courts. Judge Self stated this would make all County Court at Law judges equal by doing away with limits. Commissioner Hoagland asked that this item be held. (Time: 3:37:57 p.m.)

The next item addressed was item number 13: provide Counties with ability to file liens against non-homestead properties for failure to pay for county mandated trash services. Cities currently have this authority. Judge Self stated people move to the unincorporated parts of the County for a reason. Bill Bilyeu, Administrative Services, stated cities have the ability to file liens on nuisance abatements. No action was taken. (Time: 3:41:42 p.m.)

b. AI-29388 CCTRA. Representative Paxton stated in a previous Court that he would carry this item in Austin. Judge Self wanted to delay this vote until May, and a discussion followed among the Court members. Commissioner Jaynes made a motion to approve, Commissioner Hoagland seconded, and the motion passed with a 4-1 vote of the Court. Judge Self voted no. (Time: 3:24:22 p.m.)

COURT ORDER NO. 2008-1071-11-18

c. AI-29389 Clarify authority of elected officials over software system. Commissioner Hoagland made a motion to approve, Commissioner Jaynes seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:36:06 p.m.)

COURT ORDER NO. 2008-1072-11-18

d. AI-29390 Eliminate all gas tax diversions. Commissioner Hoagland made a motion to approve, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:24:22 p.m.)

COURT ORDER NO. 2008-1073-11-18

e. AI-29391 Increase Mental Health funding. Commissioner Hoagland stated the sentence that reads: "alternatively, redistribute mental health funding on a per capita basis" is the way it ought to be. Commissioner Jaynes felt it should be re-worded and the word "alternatively" should be replaced with "and". Commissioner Hoagland agreed. Commissioner Cole made a motion to approve, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:25:17 p.m.)

COURT ORDER NO. 2008-1074-11-18

Judge Self asked Caren Skipworth, IT, to come forward regarding item number six for an estimate to authorize the County to absorb the cost of credit card transactions or raise the cost of all fees to cover credit card fees. Ms. Skipworth stated the County is breaking even with the convenience fee. Randall Rice, Auditor's Office, agreed with Ms. Skipworth, and added many offices are not charging the convenience fee. Commissioner Cole felt it was more important for fines to be paid than convenience fees. Discussion followed. Commissioner Hoagland wanted to see the fees eliminated. (Time: 3:34:30 p.m.)

f. AI-29392 Payroll functions. Judge Self asked Cynthia Jacobson, Human Resources, to come forward with an update on the five paragraphs addressed in this item. Ms. Jacobson provided such an update. Commissioner Hoagland made a motion to approve, Commissioner Cole seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:19:10 p.m.)

COURT ORDER NO. 2008-1075-11-18

g. AI-29393 County Purchasing Board. Judge Self stated the County had a minority, but wanted a majority as budgeters for the County. Commissioner Hoagland made a motion to approve, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:36:06 p.m.)

COURT ORDER NO. 2008-1076-11-18

h. AI-29394 Reimburse Ad Litem Costs. Judge Self explained the State added unfunded mandates to the County with no reimbursement mechanism. This item asks the State to readdress that issue. Commissioner Jaynes made a motion to approve, Commissioner Hoagland seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:36:25 p.m.)

COURT ORDER NO. 2008-1077-11-18

i. AI-29395 Video Arraignment Pleas. Judge Self stated Judge Roach will research the specific statutes affected and Representative Madden has offered to carry this bill. Commissioner Hoagland made a motion to support this item, Commissioner Ward seconded, and the motion passed with a 5-0 vote of the Court. (Time: 3:16:33 p.m.)

COURT ORDER NO. 2008-1078-11-18

Item No. 12 Possible future agenda items by Commissioners Court without discussion. Commissioner Jaynes wanted to see the agenda updated on the website. Mr. Bilyeu stated CTA would be back on the next Court. Also, CTRA would be updated to include the authority of an RMA. (Time: 3:42:53 p.m.)

EXECUTIVE SESSION

Judge Self recessed the Court into Executive Session at 3:42 p.m., in accordance with Chapter 551 of the Government Code, to discuss the following subjects. The Commissioners returned to open court at 4:14 p.m. Commissioner Cole did not return to Court.

Board/Committee Appointments (551.0745)

AI-29335 Board/Committee Appointments.

Legal (551.071)

AI-29348 Collin County v. Auditor.

AI-29327 Flood Plain Violation - Flood Prevention Dam 8E, Engineering.

AI-29330 Flood Plain Violation - Abstract A0639 Mitchell, Nathan, Tract 6, Acres 146.5110, Engineering.

Real Estate (551.072)

AI-29318 Condemnation proceedings to acquire the right-of-Way for the Outer Loop section between US 75 and SH121, Special Projects. Judge Self asked for any motion to include the law firm of Banowsky and Levine. Commissioner Hoagland made a motion to approve with that condition,

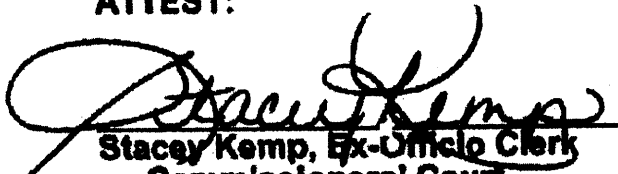
Commissioner Jaynes seconded, and the motion passed with a 4-0 vote of the Court. (Time: 4:15:08 p.m.)

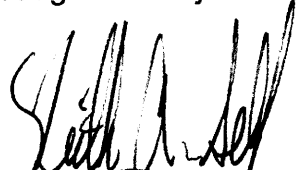
COURT ORDER NO. 2008-1079-11-18

There being no further business of the Court, Judge Self adjourned the meeting at 4:15 p.m.

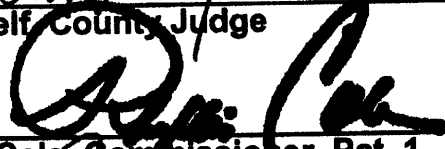


ATTEST:



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



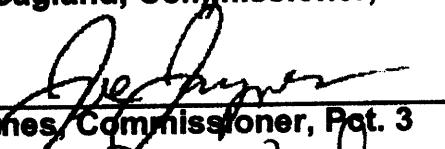
Keith Self, County Judge




Phyllis Cole, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4