

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT MINUTES
JULY 27, 2009

On Monday, July 27, 2009, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas. The following members were present, and participated, to wit:

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

Commissioner Ward led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Shaheen led the Pledge to the Texas Flag.

1. Judge Self called the Collin County Commissioners Court meeting to order at 9:30 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-30469 Personnel Appointments, Human Resources.
2. AI-30468 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-30388 Amendment No. 1 to Insurance: Property (RFP No. 06557-08) with Arthur J. Gallagher Risk Management Service to add the Administration Building for an additional cost of \$4,110 (budgeted), Human Resources.

2. Notification of budget adjustment(s)/amendment(s), Auditor:

a. AI-30428 Budget amendment(s)/adjustment(s) for bond funds totaling \$92,114 (over \$5,000 per c/o 2005-589-08-01), Budget.

b. AI-30435 Budget amendment(s)/adjustment(s) totaling \$996,347 (over \$5,000 per c/o 2005-589-08-11), Budget.

Judge Self asked for more clarification on this item. Monika Arris, Budget, approached to explain the adjustment. Ms. Arris stated the Energy Star Program was put into effect by Facilities in 2007 and was scheduled for payment in 2008; however, the letter that had been sent to the County could not be found, therefore, the payment was not made. This adjustment was to enable the

County to catch up on the payments. Ms. Arris continued by telling the Court this loan had an interest rate of 3.5% and suggested the Court consider paying off the balance out of contingency funds rather than continue to make payments over the next 10 years. Judge Self strongly recommended the County pay off the loan rather than pay 3.5% in interest.

Motion to pay loan off immediately using contingency funds.

Motion by: Judge Keith Self

Second by: Commissioner Jerry Hoagland

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-657-07-27

2. Public Comments.

Judge Self addressed the Court saying because there were public comments on issues that did not relate to the agenda, he would start with them first. Judge Self informed each speaker that they had three minutes to address the Court with their comments. Jennifer Hart, Seis Lagos Utility District Board, approached to give comments regarding the county attorney's communication stating that Collin County is considering removing special districts from receiving some or all county emergency services. Ms. Hart expressed her concerns regarding this issue. Ms. Hart stated that her Board had been trying for several months to secure a contract for emergency services to no avail since their contract with the City of Lucas was canceled. She continued saying that if the county were to seek new legislation on this issue that they consider leaving special districts formed prior to the changes out of the new policy and effect only those formed after the policy becomes effective. Ms. Hart continued with additional comments and thanked the Court for letting her speak before them.

Judge Self addressed the audience saying since the issue was not on the agenda, the Court could not give comments or take any action.

Rolando Ramon, Seis Lagos Utility District, came forward. Mr. Ramon began by thanking Judge Self for his service to his country during his tenure with the United States Army and then addressed the Court to give his comments on the subject of fire protection.

3. Consent agenda to approve: Judge Self asked if any member of the Board or any member of the audience would like to have an item pulled off the consent agenda for individual consideration. Judge Self asked that item e1 be pulled for correction, item h1 be pulled for discussion and that item 3i2b be deleted.

Motion to approve remainder of the consent agenda.

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

a. **AI-30330** Disbursements for the period ending July 21, 2009, Auditor.

COURT ORDER NO. 2009-539-07-27

b. **AI-30395** Tax Refunds totaling \$184,763.81, Tax Assessor Collector.

COURT ORDER NO. 2009-540-07-27

c. Advertisement(s):

1. **AI-30437** Breaker Replacement, Justice Center, Lower Level B (IFB No. 06679-09) (budgeted), Construction & Projects.

COURT ORDER NO. 2009-541-07-27

2. **AI-30425** Engineering Services: Geotech & Materials Testing for Roads and Bridges (RFI No. 04574-09) (budgeted), Construction & Projects.

COURT ORDER NO. 2009-542-07-27

3. **AI-30411** Services, Exterminating Pest Control and Termite Prevention/Treatment (IFB No. 03490-09) (not budgeted), Facilities.

COURT ORDER NO. 2009-543-07-27

4. **AI-30375** Insurance: Long Term Care (RFP No. 07710-09) (budgeted), Human Resources.

COURT ORDER NO. 2009-544-07-27

d. Award(s):

1. **AI-30442** New Exterior Stairs, 900 Park Plaza Building (IFB No..03439-09) to Mart Inc. and budget amendment in the amount of \$139,240 for same, Construction & Projects.

COURT ORDER NO. 2009-545-07-27

2. **AI-30412** Services: Maintenance: Plumbing Contractor (IFB No. 03489-09) to Plumb Right Services (budgeted), Facilities.

COURT ORDER NO. 2009-546-07-27

e. Agreement(s):

1. **AI-30405** Interlocal Cooperation Agreement for Title IV-E County Legal Services contract with the Texas Department of Family and Protective Services for the reimbursement of Legal Services for FY2009 CPS cases through and including August 31, 2010 and further authorize the County Judge to finalize and execute the agreement, Auditor.

Judge Self stated there needed to be a correction made to the date on CPS cases. The date should read FY2010 and not FY2009.

Motion by: Judge Keith Self
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-547-07-27

2. AI-30404 Renewal of the Title IV-E Child Welfare Services Contract with the Department of Family and Protective Services for the reimbursement of foster care maintenance for FY2010 CPS cases through and including August 31, 2010 and further authorize the County Judge to finalize and execute the agreement, Auditor.

COURT ORDER NO. 2009-548-07-27

3. AI-30446 Interlocal agreement with Wise County for Law Enforcement Data Sharing and further authorize the County Judge to finalize and execute same (budgeted), Homeland Security.

COURT ORDER NO. 2009-549-07-27

4. AI-30400 Interlocal Cooperation Contract with the Texas Department of Public Safety for Miscellaneous Breath Testing Program (Agreement No. 05605-09) effective September 1, 2009 through and including August 31, 2011 and further authorize the County Judge to finalize and execute same (budgeted), Sheriff.

COURT ORDER NO. 2009-550-07-27

5. AI-30386 Interlocal Agreement with the City of McKinney for the Professional Design Service to Crape Myrtle Trail through the 5th Series, Parks/Open Space Project Funding Assistance Program (NTE \$87,500) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-551-07-27

f. Amendment(s):

1. AI-30392 No. 1 to Professional Services, Engineering: Bridge on County Road 134 over Honey Creek (AGR No. 08625-08) with Binkley and Barfield to remodel the current flood plain with a 24'X12' box culvert and further authorize the Purchasing Agent to finalize and execute same (budgeted), Special Projects.

COURT ORDER NO. 2009-552-07-27

2. AI-30398 No. 3 for Animal Control Services with the City of Celina to extend the contract for one (1) year through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2009-553-07-27

3. AI-30406 No. 3 for Animal Control Services with the Town of Fairview to extend the contract for one (1) year through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2009-554-07-27

4. AI-30387 No. 3 to the Frequency Reconfiguration Agreement (Agreement No. 01343-09) with Sprint/Nextel to include loaner equipment to Collin County for the conversion of the back to back repeaters and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2009-555-07-27

5. No. 3 to the Interlocal Agreement for the Facility Construction and Use of an Animal Shelter to set the rate for FY 2010 effective October 1, 2009 through September 30, 2010 and

further authorize the Purchasing Agent to finalize and execute same, Development Services:

a. AI-30397 City of Celina for an annual amount of \$13, 540

COURT ORDER NO. 2009-556-07-27

b. AI-30407 Town of Fairview for an annual amount of \$23,762.

COURT ORDER NO. 2009-557-07-27

g. Change Order(s):

1. AI-30399 No. 2 to Services: Prisoner Transport (IFB No. 02433-08) with Prisoner Transport Services (PTS) of America, LLC to extend the contract for one (1) year through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same (budgeted), Sheriff.

COURT ORDER NO. 2009-558-07-27

h. Budget adjustment/amendment(s):

1. AI-30385 \$1,655,786 to establish a budget in Fund 051 due to restrictions by DOJ beginning FY07 SCAAP awards, Auditor.

Linda Riggs, Auditor's Office, gave information regarding creation and transfer of funds to Fund 051 for the State Criminal Alien Assistance Program (SCAAP) stating it was very restricted and for Correctional Officers only. Ms. Riggs answered questions from Judge Self saying this was funded by the SCAAP only and was not allowed to be supplanted. A brief discussion with the Court followed. Ms. Riggs continued by saying this program was restricted to Correctional Officers only and at year's end the County has to report all expenditures back to the Department of Justice.

Judge Self asked if this would open a gulf between what the County offers other employees versus the offerings of this fund. Randall Rice, Auditor's Office, approached the Court to give additional details on the requirements of the award by saying this should not cause any differences and the funds could only be used for very specific identifiable items and could not be used to pay for expenditures which are already budgeted.

Commissioner Shaheen asked if this funding was given to the County every year. Ms. Riggs replied yes, the County receives this each year and has for a number of years. Commissioner Shaheen asked how many positions this grant effected. Major Mike Anderson, Sheriff's Office, approached to answer the question. Major Anderson stated that the funds are strictly for the Sheriff's Detention Officers and those totaled approximately 220; and though there is not currently a line item for this fund, the Sheriff would be addressing this during the Budget workshops.

Motion to approve item.

Motion by: Judge Keith Self

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-559-07-27

i. Receive and File, Auditor:

1. Monthly Financial Statement(s):

a. AI-30355 May 2009.

COURT ORDER NO. 2009-560-07-27

b. AI-30443 June 2009.

COURT ORDER NO. 2009-561-07-27

2. Final Audit Result(s):

a. AI-30438 Elections (3rd & 4th Quarter FY2008 and 1st Quarter FY2009).

COURT ORDER NO. 2009-562-07-27

b. AI30439 Justice of the Peace, Precinct 4 (1st & 2nd Quarter FY 2009).

PULLED

c. AI-30441 Constable, Precinct 3 (2nd Quarter FY2009).

COURT ORDER NO. 2009-563-07-27

j. Miscellaneous

1. AI-30419 Updated Tuition Reimbursement Policy, Administrative Services.

COURT ORDER NO. 2009-564-07-27

2. AI-30409 Rescind Court Order 2006-1039-11-15 with the Arts of Collin County for enhancements at the Arts of Collin County site in Allen, Texas through the Collin County Parks/Open Space Project Funding Assistance Program, Special Projects.

COURT ORDER NO. 2009-565-07-27

GENERAL DISCUSSION

Presentation, discussion and any action regarding:

4. AI-30466 JJAEP Facility, Commissioners Court.

NO ACTION TAKEN

5. AI-30433 Construction, Building: Juvenile Justice Alternative Education Program (JJAEP) and Juvenile Probation (CSP No. 11267-09) (not budgeted), Construction & Projects.

Bill Bilyeu, Administrative Services, addressed the Court with information regarding an upgrade to the facilities at Juvenile Justice Alternative Education Program (JJAEP). Mr. Bilyeu updated the Court regarding the Committee's prioritizing which placed this project as priority two. During the County bond election this item was on as Proposition 3 and was passed by 65% and the process began.

Bill Burke, Construction and Projects, addressed the Court with a diagram to give an overview on the planned facility. Discussion with Court members on these plans followed. Mr. Burke explained to the Court that they were requesting approval to go out for bids.

Joe Scott, Juvenile Services, addressed the Court to answer questions as requested by Judge Self who asked if the number of mandatory expulsions had increased. Mr. Scott said he had not seen an increase in mandatory expulsions. Judge Self then stated that the projections for the growth of the population had not come true and asked Mr. Scott why the projected population explosion had not occurred. Mr. Scott said he could not explain why the population had not increased; he projected an increase due to the sheer growth of the County. Mr. Scott also gave the Court information on mandatory and discretionary expulsions. Extensive discussion with the Court followed regarding whether the County actually needed to expand the facilities to accommodate 480 juveniles. Mr. Burke re-approached to answer additional questions and told the Court he was asking for approval to advertise for a bid on the Court's previous decision of the build out which was to build one cluster and a shell for a second. Additional discussion with the Court followed. Mr. Scott asked that the Court be reminded of the ages of the juveniles in the program and continued by saying several of the youths are 10, 11 and 12 years old. He stated that these younger juveniles cannot be placed in the same classrooms with 15 and 16 year olds. Mr. Scott stated because of this not all of the classrooms would have 20 kids in them, some would have less, and, therefore, the program would need more classrooms. The item will be discussed again when bids are received for the cost of the build out.

Motion to move ahead with bid.

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Kathy Ward

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-566-07-27

6. AI-30401 Vision and mission statements and determine next steps, Commissioners Court.

Bill Bilyeu, Administrative Services, came forward to discuss formal adoption of the county's vision and mission statements as discussed in the workshop held on July 20, 2009. Commissioner Hoagland said he thought the Court was headed in the right direction. Commissioner Hoagland suggested that each of the Court members establish three to five objectives that they would like to see the County achieve and then decide together what the County's objectives should be. Judge Self stated in the discussions by the Court they had decided to filter the objectives down to the departments to create and achieve. Brief discussion followed. Mr. Bilyeu recommended the Court adopt the mission and vision statements they had already approved and re-visit County objectives with the new fiscal year. Judge Self asked that the item be placed on another workshop for further discussion.

Motion to adopt vision and mission.

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-567-07-27

7. AI-30228 Performance bonus for the Homeland Security Screeners, Human Resources.

Judge John Roach, Jr., 296th District Court, addressed the Court regarding the hard work performed by the Homeland Security team. Judge Roach asked the Court for additional compensation to the individuals who are providing stellar performances and said that these individuals are not on PFP and cannot get additional compensation for their performance. Judge Roach gave an example of a recently recognized Officer who had prevented three weapons from entering the courthouse in a week's time. Judge Roach asked Court members if there was a way to reward these individuals for their performance. Judge Self asked if these employees were on PFP. Cynthia Jacobson, Human Resources, approached the Court and stated all employees are now on Pay for Performance.

Commissioner Hoagland stated he wanted the staff's supervisor to determine the bonus. Judge Self asked Monika Arris, Budget, about the funding. Ms. Arris responded that the funds come from the Courthouse Security fund, not the General Fund. The revenue comes from fees which are charged for case filings. Commissioner Shaheen said he thought this should be on PFP and not bonuses. Judge Self agreed with Commissioner Shaheen. Discussion between Judge Roach and Court members followed. Judge Roach stated that there is nearly \$1 million in the Courthouse Security fund and that \$5,000 is a very small amount in comparison.

Commissioner Hoagland motioned to set aside \$5,000 for the purpose of compensating an outstanding officer and suggested that the County leave it up to the department head regarding who should get a bonus. Judge Self asked Ms. Jacobson to approach with comments on this subject. Ms. Jacobson explained that whatever was approved in the budget year for the PFP percentage would also be given to the officers as part of PFP. Ms. Jacobson continued by saying Judge Roach is asking for an additional bonus outside of the PFP percentage. Discussion by the Court followed.

Commissioner Hoagland restated a motion to set aside \$5,000 over and above the PFP amount for the purpose of compensating Security Officers for stellar performances and make it a discretionary item for Kelley Stone, Homeland Security, as to who should get the bonus.

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward
Vote: 2 - 2 Failed
Aye: Commissioner Jerry Hoagland
Commissioner Kathy Ward
Nay: Judge Keith Self
Commissioner Matt Shaheen

FAILED

8. AI-30472 Review possible candidates for the Mental Health RFP, Commissioners Court.

Bill Bilyeu, Administrative Services, addressed the Court to give information regarding submitting a Request for Proposal (RFP), Mr. Bilyeu stated that this should be a Request for Quote (RFQ) rather than an (RFP) because the County needs to define the scope when someone is selected.

There are four medical schools that could provide services. Mr. Bilyeu told the Court his preference was the University of North Texas (UNT) because their staff resides nearby and some are in McKinney, so travel would not be an issue. Discussion with Court members followed.

Judge Self asked Frank Ybarbo, Purchasing Agent, if he had anything to add to the discussion. Mr. Ybarbo addressed the Court and stated that because of recent criticism of the County for entering into no bid contracts, he originally suggested the County go out for several RFPs in order to ensure the taxpayers that the County is showing due diligence. Mr. Ybarbo then stated that he also recommends UNT to provide the services due to the proximity of their personnel and the services the University could provide. Mr. Ybarbo informed the Court that UNT was a quasi governmental agency and by statute the County could enter into an interlocal agreement without competitive bidding. Additional discussion with Court members and Mr. Bilyeu continued. Mr. Bilyeu stated he needed to write a scope of work and that could possibly take a month to complete. Judge Self stated the estimated time line of one month was unacceptable and that the Court needs to move quickly on this matter. Judge Self added that there are less than 18 months until the next legislature convenes and the County needs to make a decision. Judge Self asked if a scope document could be ready by the August 17th Court. Mr. Bilyeu stated that was not enough time for the Court to evaluate the candidates. A recommendation could be made; however, the Court still needed to rank the candidates. In depth discussion by the Court continued. Mr. Bilyeu added that the County needed to consider the hourly rate as well as the person's qualifications and not just the cost. Commissioner Shaheen asked if there was any idea of how much this would cost. Mr. Bilyeu responded that he estimated it would cost \$150,000. Discussion continued.

Motion to go through combined RFQ and RFP for general solicitation for qualifications and fees of service.

Commissioner Hoagland stated he would vote against the motion because he thought the process was a waste of time and the County would choose UNT anyway.

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Kathy Ward
Vote: 3 - 1 Passed
Nay: Commissioner Jerry Hoagland

COURT ORDER NO. 2009-568-07-27

9. AI-30328 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Jacobson informed the Court all appointments followed standard procedures.

Motion to approve personnel appointments.
Motion by: Commissioner Kathy Ward
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-569-07-27

10. AI-30329 Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding changes to current employees. Ms. Jacobson informed the Court all changes followed standard procedures.

Motion to approve personnel changes.

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-570-07-27

11. AI-30471 Board/Committee Appointments, Commissioners Court.

Commissioner Hoagland requested the appointment of Amy Segrest to the Child Protective Services (CPS) Board to replace Sharon Lewis who is resigning. Ms. Segrest's appointment is effective as of August 1, 2009.

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-571-07-27

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

AI-30434 NTTA Board.

Commissioner Hoagland requested this item be pulled from the agenda until Commissioner Jaynes could be present.

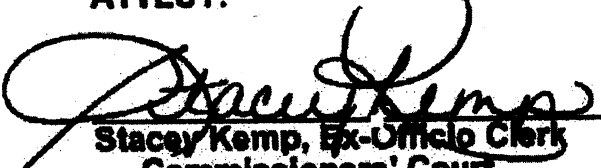
EXECUTIVE SESSION

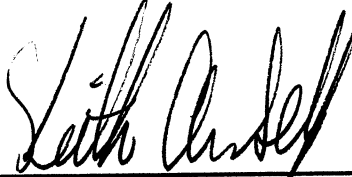
The Court did not recess into Executive Session regarding business matters for Commissioners' Court. Judge Self recognized a blue card for a public speaker and informed Roy Serpa that it was too late to address the Court, but thanked him for attending.

There being no further business of the Court, Judge Self adjourned the meeting at 10:51 a.m. and recessed the Healthcare Foundation Board into Executive Session.



ATTEST:


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



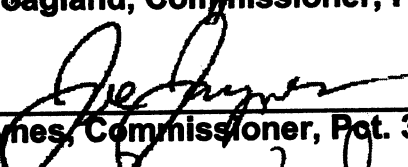
Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4