

STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

SEPTEMBER 28, 2009

On Monday, September 28, 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 with the following members present, and participating, to wit:

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

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 to order the meeting of the Collin County Commissioners Court at 9:30 a.m.

Judge Self recessed the meeting of the Collin County Commissioners Court at 9:41 a.m. and called to order the meeting of the Collin County Housing Finance Corporation.

President Self recessed the meeting of the Collin County Housing Finance Corporation 9:47 a.m. and called to order the meeting of the Collin County Helath Care Foundation.

President Self recessed the meeting of the Collin County Health Care Foundation at 9:47 a.m. and called to order the meeting of the Collin County Toll Road Authority.

President Self recessed the meeting of the Collin County Toll Road Authority at 9:48 a.m. and reconvened the meeting of the Collin County Commissioners Court.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-30799 Amendment No. 1 to Service: Psychological Evaluations, Juvenile (RFP No. 08601-09) with Sparton Psychological Consulting to extend the agreement through and including September 30, 2010, Juvenile Probation.

Judge Self asked Bill Bilyeu, Administrative Services, whether a legal entity has voted on this contract. Mr. Bilyeu deferred to Frank Ybarbo, Purchasing. Mr. Ybarbo said he did not have an answer to that question but would return with one before the end of Court. He had a request from the Juvenile Department to extend this contract. (Time: 10:33 a.m.)

Judge Self returned to this item at 12:08 p.m. and stated the item would be pulled from today's agenda awaiting additional information from Mr. Ybarbo. (Time: 12:08 p.m.)

PULLED

2. **AI-30864** Personnel Changes, Human Resources.

3. Notification of budget adjustment(s)/amendment(s), District Attorney:

a. **AI-30756** \$3,000 to establish a budget for the purchase of uniforms for the Investigators utilizing the Drug Forfeiture fund, District Attorney.

b. **AI-30757** \$20,000 to establish a budget for the District Attorney Drug Forfeiture fund, District Attorney.

c. **AI-30762** \$63,410.05 for supplemental pay to be added to the FY2010 payroll for employees in the District Attorney's office utilizing the Service Fee account, District Attorney.

FYI NOTIFICATION

1. **AI-30772** Addendum No. 1 to Equipment: Hydraulic Gooseneck Trailer (IFB No. 07707-09) to extend the bid date, Purchasing.

2 **AI-30820** Agreement with West Law for Subscription and CD-ROM Libraries for legal research for a total amount of \$26,991.96 per year and further authorize the Purchasing Agent to finalize and execute same, District Attorney.

3. **AI-30519** Notification/update of the agreement with the Texas Conference of Urban Counties and Tyler Technologies for the Common Integrated Justice System (Collin County is not a party to this agreement), Information Technology.

4. **AI-30773** Budget amendment(s)/adjustment(s) totaling \$30,000 (over \$5,000 per c/o 2005-589-08-01), Budget.

2. Public Comments. Judge Self informed speakers they would have three minutes to make their comments.

Cindy Johnson, McKinney, Texas, came forward. Ms. Johnson is the Executive Director of the Heritage Guild of Collin County. She stated she participated in Collin County's Historical Commission's grant program; however, she did not

receive any grant monies. Ms. Johnson was disappointed with how little funding was allocated to the historical museums in Collin County. She gave background on the history of the museums, highlighting the fact that the number of visitors increases as the county grows. Ms. Johnson asked the Court to continue their support of the Heritage Guild. (Time: 9:52 a.m.)

Velynda Short, Anna, Texas, spoke on behalf of several residents who live off of County Road 376. Residents had been told in 1997 that CR 376 would be paved, and as a result they gave up easements with no reimbursement. To date, the work has not been done. Ms. Short stated dust and dirt from the road aggravates her allergies and asthma. Also, the roads are very hazardous and slippery. Ms. Short stated that Philip Sanders, City Manager, City of Anna, has told the residents their road is not a priority. Ms. Short stated the community has come together to demand their road be taken care of. They have been told the cost to complete the work is \$10,000 and they will be meeting with the City of Anna to see if they can complete this project. Ms. Short presented the Court with a petition signed by the property owners which she read to the Court.

Peggy Gigi Lisai, Anna, Texas, is also a resident of County Road 376. And Ms. Lisai also stated her allergies are worse due to the dust and dirt. She was speaking on behalf of her parents who wanted her to address the subject of why they had to give up five feet of their property in 1997 to get the road paved. If the project is not going to be done, they would like to get their property back.

Commissioner Jaynes stated since this is a county road outside the city limits, (half is in the county and half is in the city) the county has to enter into an interlocal agreement with the city by law. The City of Anna will be meeting with their Economic Development Corporation this week to see if they can come up with the funding.

Philip Sanders, City Manager, City of Anna, was present to speak on behalf of the TIRZ policy, but first addressed Ms. Short's and Ms. Lisai's concerns. He stated Jon Kleinhessel, Public Works, has been very kind and has been asking for Anna's participation. The City of Anna is working with Public Works to get this project completed.

Ms. Sanders then turned his attention to the TIRZ policy, reiterating concerns raised by the City of Anna at prior public meetings. The City of Anna is requesting that items 4a and 5 be eliminated from the policy as they will have a negative impact on their opportunities to do business.

Commissioner Hoagland suggested this item be held until he and Commissioner Ward can have a meeting and they will invite the Cities of Anna and Plano to come back before the Court if necessary. Commissioner Ward agreed. Commissioner Jaynes stated he is waiting for feedback from representatives from the Cities of Frisco and McKinney.

Colleen Egan, McKinney, Texas, was present to speak on item 4c7 as a private citizen and as a member of the Parks and Open Space Board. Ms. Egan asked the Court for their consent to the scope of surfaces for the Collin County Regional Trails Master Plan. She has created a resource which she presented to the Court which pulls together all of the parks and open space plans and trail plans for all the entities in Collin County. She asked the Court to support this plan, stating it was forward thinking. Judge Self had some questions and commentary. Ms. Egan answered questions from Judge Self. Commissioner Jaynes asked to see a map and had questions as well. Commissioner Hoagland offered explanation of the plan.

Commissioner Hoagland made a motion to approve item 4c7. Judge Self wanted that item pulled for discussion. Commissioner Shaheen questioned the necessity of paying an engineering firm \$200,000 vs. having all the cities get together and create a coordinating plan connecting all of the cities' trail plans. Discussion followed. Ms. Egan agreed with Commissioner Shaheen's suggestion and stated that might be the next step.

Judge Self had a blue card from Zelda Goldwyn, McKinney, Texas, who did not choose to speak but wanted it noted she was in support of item 4c7.

Judge Self expressed his concerns to paragraph 1.9 regarding "opportunities". Jeff Durham, Parks and Projects Manager, stated Ms. Egan did a good job explaining the history of the plan, how it has evolved and where we are today. The purpose is to have a planning document for not only the county, but for all the cities to use as well. Commissioner Shaheen felt a regional trail plan for the county is an idea with merit, and then asked if it be can be brought back before the Court. Commissioner Jaynes wanted a history of where they are with the open space plan and asked that it be put on the next workshop session. Commissioner Ward wanted to see how this would tie in with the Outer Loop. Commissioner Shaheen recognized Mr. Durham's efforts in getting an \$85,000 reduction in engineering costs. Mr. Durham stated the costs were reduced from \$298,000 to \$194,000, which is a 35% reduction. Discussion followed between Commissioners Jaynes and Shaheen.

Commissioner Hoagland withdrew his motion. The item will be placed on a future work session. (Time: 10:28 a.m.)

Judge Self noted Sarah Wells Macias submitted a blue card in support of the Collin County Farm Museum.

Roy Serpa, Fairview, Texas, first complimented the Court on their discussion in a prior meeting of the vacancy in County Court at Law No. 4 and their efforts to be fair and open. Second, he stated he had read in minutes from a prior Court that the County Commissioners will be coming up with objectives and he was curious

as to what those objectives would be and how those objectives would effect the budget. (Time: 10:30 a.m.)

3. Presentation/Recognition:

a. **AI-30810** Recognition of Mary Ann Nastro and DeDe Whitcombe for the assistance with placement of rescued dogs, Development Services. 9:31.

Misty Brown, Development Services, came forward to recognize two rescue friends for their assistance with the placement of 24 rescued dogs that were found in deplorable, inhumane conditions. Mary Ann Nastro and DeDe Whitcombe gathered supplies and resources to save the lives of these animals and find them homes. Ms. Nastro said she wished they could save all the animals that come through the doors of Collin County's Animal Shelter. Judge Self thanked them for their efforts. (Time: 9:34 a.m.)

b. **AI-30871** Service Pins to employees with 10, 15, 20 and 25 years of service in the month of September, Human Resources.

Jon Kleinheksel, Public Works, recognized three employees for their service to Collin County: Pat Howell, 15 years of service, equipment operator; Geoff Crouch, 25 years of service, equipment operator and head of the storm water program; Forest Cox, 25 years of service. Mr. Kleinheksel stated these employees are a huge asset to Collin County. (Time: 9:36 a.m.)

County Clerk Stacey Kemp presented pins to Minnie Springs, Public Assistance, for 25 years of service and Deborah Brannon, Indexer/Bookkeeper, for ten years of service to the citizens of Collin County. Ms. Kemp complimented them both for being outstanding employees. (Time: 9:37 a.m.)

John Roach, District Attorney, recognized Novaline Varner for 25 years of service. Ms. Varner is the Chief Criminal Investigator in the D.A.'s office and she also heads up the cold case unit. (Time: 9:39 a.m.)

c. **AI-30872** Retirement Plaque for Judy McCullough, Human Resources.

Commissioner Hoagland presented a plaque to Judy McCullough, Law Librarian, as she retires after many years of service to Collin County. Ms. McCullough was recognized as an outstanding employee and an asset to Collin County as both a law librarian and attorney. (Time: 9:40 a.m.)

Judge Self stated a proclamation has been signed by every member of the Commissioners Court proclaiming the fourth Monday of September as Family Day. One suggestion to celebrate Family Day is to eat dinner tonight as a family. (Time: 9:41 a.m.)

Judge Self recessed the meeting of the Collin County Commissioners Court at 9:41 a.m. and convened the meeting of the Collin County Housing Finance Corporation. Commissioners Court was reconvened at 9:48 a.m.

4. Consent agenda to approve:

Judge Self asked if any member of the Court or any member of the audience had an item they would like pulled off the consent agenda for individual consideration. He then pulled item no. 1 under Decisions Mandated by Legal Entities outside of Commissioners Court Authority; Commissioner Hoagland pulled items 4d6 and 7 and 4j6 and 7. Judge Self stated item 4c1 would be deleted and he pulled item 4c6. He noted the Court had already dispensed with item 4c7. Caren Skipworth, IT, stated a correction needed to be made to item 4j12. Commissioner Jaynes pulled 4d10, and noted since most of Historical Commission was present in Court, he also wanted to pull 4j10. Commissioner Shaheen pulled items 4e3 and 4e4. Commissioner Hoagland made a motion to approve the remainder of the consent agenda. (Time: 10:31 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5-0 Passed

a. **AI-30805** Disbursements for the period ending September 22, 2009, Auditor.
COURT ORDER NO. 2009-764-09-28

b. **AI-30774** Tax Refunds totaling \$828,668.51, Tax Assessor Collector.
COURT ORDER NO. 2009-765-09-28

c. Award(s):

1. **AI-30838** Breaker Replacement, Justice Center, Lower Level B (IFB No. 06679-09) to Dal-Ec Construction, Construction & Projects.
PULLED

2. **AI-30842** Services: Fusion System Data and Analysis (RFP No. 02362-09), Homeland Security.
COURT ORDER NO. 2009-766-09-28

3. **AI-30827** Insurance, General Liability & Workers' Compensation (IFB No. 06619-09), Human Resources.
COURT ORDER NO. 2009-767-09-28

4. **AI-30828** Insurance, Excess General Liability & Workers' Compensation (IFB No. 06620-09), Human Resources.
COURT ORDER NO. 2009-768-09-28

5. **AI-30840** Road Materials: Cement Treated Base (IFB No. 05602-09) to TXI Operations L.P., Public Works.

COURT ORDER NO. 2009-769-09-28

6. **AI-30593** Supplies: Jail and Personal Inmate (IFB No. 03447-09) to various vendors, Sheriff.

Judge Self stated there were three tie bids so they had three lots to draw:
No. 1: for bedding and towels. Commissioner Jaynes drew the name Bob Barker.

No. 2: inmate clothing for caps, baseball. Commissioner Hoagland also drew the name Bob Barker.

No. 3: plastic face shavers. Commissioner Ward drew the name ICS.
(Time: 10:33 a.m.)

The Court returned to item 4b6 at 12:13 p.m. to vote. Commissioner Ward made a motion to approve the award of the contract with the three tie-breakers as noted.

Motion: Commissioner Kathy Ward

Second: Commissioner Joe Jaynes

Vote: 4-0 Passed (Commissioner Hoagland was not present.)

COURT ORDER NO. 2009-770-09-28

7. **AI-30845** Professional Services: Development of Regional Trail Plan for Collin County (RFQ No. 11236-09), budget amendment in the amount of \$194,470 and further authorize the Purchasing Agent to finalize and execute the Engineering Services Agreement, Special Projects.

This item was discussed under Public Comment.

HELD

d. Agreement(s):

1. **AI-30707** Interlocal Agreement with McKinney ISD for one (1) teaching unit position for the 2009-2010 academic year in the County Residential Center (CRC) (NTE \$51,200 per calendar year) and further authorize the County Judge to finalize and execute same, Administrative Services.

COURT ORDER NO. 2009-771-09-28

2. **AI-30819** Amended and Restated Interlocal Cooperation Agreement with the City of Allen to extend the agreement through and including September 30, 2010 for space located at the Allen Municipal Court facility for the Justice of the Peace – Precinct 3 to conduct court proceedings and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2009-772-09-28

3. **AI-30808** Adopt Texas Health and Safety Code Chapters 437 and 438 as amended by HB3012, 81st Legislature, Development Services.

COURT ORDER NO. 2009-773-09-28

4. **AI-30705** Amended Interlocal Agreement with the City of Plano for the Design and Right-of-Way Acquisitions for the Parker Road and US 75 Interchange - Bond Project No. 03-046 (County's portion NTE \$837,097.50) and further authorize the County Judge to finalize and execute same (budgeted), Engineering.

COURT ORDER NO. 2009-774-09-28

5. **AI-30844** Interlocal Agreement with the Allen Independent School District (ISD) for Health-Related Data Sharing and further authorize the County Judge to finalize and execute same, Homeland Security.

COURT ORDER NO. 2009-775-09-28

6. **AI-30546** Personal Services Agreement with Andrew Don Smith, Sr. (Agreement No. 07710-09) for autopsy assistant services at the Collin County Medical Examiners office through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

Mr. Bilyeu came forward at the request of Commissioner Hoagland, stating field agents are being trained to take over this duty. Commissioner Hoagland made a motion to approve. (Time: 10:34 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Joe Jaynes

Vote: 5- 0 Passed

COURT ORDER NO. 2009-776-09-28

7. **AI-30545** Personal Services Agreement with Erin Kirsten Duddleston (Agreement No. 07711-09) for autopsy assistant services at the Collin County Medical Examiners office through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Medical Examiner.

COURT ORDER NO. 2009-777-09-28

8. **AI-30786** Personal Services Agreement with James White (Agreement No. 06674-09) for park maintenance at Parkhill Prairie Preserve through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-778-09-28

9. **AI-30787** Personal Services Agreement with Jody Howard (Agreement No. 06675-09) for park maintenance at Sister Grove Park through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-779-09-28

10. Interlocal Cooperation Agreement(s) for participation in the Collin County Recycling Program through and including September 30, 2010 and further authorize the County Judge to finalize and execute same (budgeted), Public Works:

Commissioner Jaynes stated he has received phone calls from citizens residing west of Celina regarding recycling. They now have to drive to Weston for recycling. Jon Kleinheksel, Public Works, stated his department has two or three sites identified and they are trying to do due diligence to get something facilitated in the area of CR 53, CR 88, and up and down the Preston corridor. Commissioner Jaynes made a motion to approve. (Time: 10:35 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 5-0 Passed

a. **AI-30766** Branch Community Volunteer Fire Department (Agreement No. 05591-09).

COURT ORDER NO. 2009-780-09-28

b. **AI-30768** City of Lucas (Agreement No. 05593-09).

COURT ORDER NO. 2009-781-09-28

c. **AI-30767** North Texas Municipal Water District (NTMWD) (Agreement No. 05595-09).

COURT ORDER NO. 2009-782-09-28

e. Amendment(s):

1. **AI-30554** No. 1 to Professional Services, Mechanical, Electrical and Plumbing (MEP) Engineer for County Projects (RFQ No. 11236-09) with Halff Associates 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, Construction & Projects.

COURT ORDER NO. 2009-783-09-28

2. **AI-30826** No. 2 to Insurance: Property (Contract No. 06557-08) with Arthur J. Gallagher Management Services 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, Human Resources.

COURT ORDER NO. 2009-784-09-28

3. **AI-30830** No. 2 for Professional Services, Surveying of Various County Properties (RFQ No. 07121-07) with Bohannon Huston, Inc. 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, Special Projects.

Commissioner Shaheen was curious about whether this contract was competitively bid. Mr. Durham returned to the podium and said surveying services are not put out to bid; the County gets qualifications and they then select the best firm. Services are on as-needed basis. Commissioner Shaheen wanted to know if the County can do comparison bids to ensure they are getting a good rate. Mr. Ybarbo said since this type of RFQ is under a different part of the statute, the County can ask for their fee at the same time as they ask for their proposal. Commissioner Shaheen made a motion to approve. (Time: 10:36 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 5-0 Passed

COURT ORDER NO. 2009-785-09-28

4. **AI-30798** No. 2 to Services: Counseling Juvenile Sex Offender (RFP No. 06107-07) with Terri L Bauer LCSW, LSOTP 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), Juvenile Probation.

Commissioner Shaheen questioned spending \$180,000 for a licensed social worker for the Juvenile Sex Offender Board. Mr. Ybarbo said he will try to get this item answered before the end of Court today. Commissioner Shaheen asked that a vote on item 4 be held until that time. (Time: 10:36 a.m.)

Judge Self returned to item 4e4 at 12:09 p.m. stating that it would be pulled.

PULLED

5. **AI-30785** No. 5 to Agreement: Lease Software with BidSync for the use of secure online competitive solicitation system to renew and extend the contract for one (1) year through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2009-786-09-28

f. Change Order(s):

1. **AI-30779** No. 1 to Maintenance, Road: Microsurfacing (IFB No. 11219-09) with Viking Construction 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, Public Works.

COURT ORDER NO. 2009-787-09-28

2. **AI-30781** No. 1 to Services: Full Depth Reclamation (IFB No. 03440-09) with Reynolds Asphalt & Construction Company 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, Public Works.

COURT ORDER NO. 2009-788-09-28

3. **AI-30816** No. 2 to Printing, General Office Forms (IFB No. 03080-07) with Marfield Corporate Stationary 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, Purchasing.

COURT ORDER NO. 2009-789-09-28

4. **AI-30763** No. 2 to Uniforms and Miscellaneous Rental & Laundry Service (Contract No. 03079-07) with G & K Services to extend the contract for one (1) year through September 30, 2010; add Item No. 1016-741-617 - khaki shirt to the contract and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2009-790-09-28

5. **AI-30837** No. 3 to Printing, General Office Forms (IFB No. 03080-07) with Applied Litho Resource, Inc. 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, Purchasing.

COURT ORDER NO. 2009-791-09-28

6. **AI-30727** No. 3 to Uniforms: Law Enforcement & Related Items, Work Uniforms and Misc (IFB No. 07126-07) with Lone Star Uniforms, Inc. to add Item No. 2625DN, perfection pant to the contract and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2009-792-09-28

7. **AI-30846** No. 4 to Printing, General Office Forms (IFB No. 03080-07) with Extreme Business Services 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, Purchasing.

COURT ORDER NO. 2009-793-09-28

8. **AI-30809** No. 4 to Services: Janitorial with James Enterprises (IFB No. 01390-08) 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, Facilities.

COURT ORDER NO. 2009-794-09-28

9. **AI-30815** No. 5 to Printing, General Office Forms (IFB No. 03080-07) with Dataflex Business Products 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, Purchasing.

COURT ORDER NO. 2009-795-09-28

g. Budget adjustment/amendment(s):

1. **AI-30778** \$25,000 for FY2008 monitoring services invoices billed and paid in FY2009, Budget.

COURT ORDER NO. 2009-796-09-28

h. Receive and File, Auditor:

1. **AI-30829** Final Audit Results - Constable, Precinct 4 (1st & 2nd Quarter FY2009).

COURT ORDER NO. 2009-797-09-28

i. Filing of the Minute(s), County Clerk:

1. **AI-30855** September 14, 2009.

COURT ORDER NO. 2009-798-09-28

j. Miscellaneous

1. **AI-30784** Resolution supporting the Texans Feeding Texans: Home -Delivered Meal Grant Program with the Texas Department of Agriculture with County match funds in the amount of \$22,092, Administrative Services.

COURT ORDER NO. 2009-799-09-28

2. **AI-30811** Adoption of a resolution for the Application for Participation in TexSTAR to invest funds jointly with other Texas local governments in the Texas Short Asset Reserve Program (TexSTAR) and further authorize the County Judge to execute same, Auditor.

COURT ORDER NO. 2009-800-09-28

3. **AI-30812** TexPool Resolution amending authorized representatives to include Jeff May, County Auditor, further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2009-801-09-28

4. **AI-30752** Grant application and Resolution for the FY2010 Indigent Defense Formula Grant and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2009-802-09-28

5. **AI-30793** Acceptance of the list of Carryover Funds from FY2009 to FY2010 in the amount of \$14,405,003 per the Carryover Policy, Budget.

COURT ORDER NO. 2009-803-09-28

6. **AI-30853** Designate the 366th District Court as the Felony Drug Court Program for Collin County and the County Court at Law No. 5 as the Misdemeanor Drug Court Program for Collin County, County Court at Law 4.

Judge Self said the 366th District Court has been pulled off of this item. The request is to have County Court at Law No. 5 designated as the misdemeanor drug court. Commissioner Jaynes made a motion to approve. (Time: 10:39 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Kathy Ward
Vote: 5-0 Passed

COURT ORDER NO. 2009-804-09-28

7. **AI-30782** Designation of the FY2010 Commissioners Court regular term meetings to be held the 2nd and 4th Monday of each month, Commissioners Court.

Commissioner Hoagland led this discussion. He stated when he was first elected Commissioner, the Court met every Monday and he would like to see the Court return to that schedule. He felt bi-weekly meetings were getting to be an onerous task, requiring the Commissioners to wade through over 2,000 pages of agenda items. Commissioner Shaheen supported Commissioner Hoagland's idea, adding he would like more evening meetings as well. Commissioner Hoagland made that in the form of a motion. Commissioner Jaynes asked about the impact on staff. Mr. Bilyeu said it will have an impact on staff, particularly internal staff. One impact is the cost of staff sitting in Court every week. If staff is in Court, they are not out doing their jobs. There could be a directive from the Court saying if you don't have an item on the agenda, watch it on the web. Commissioner Hoagland said it's better to have a routine. Commissioner Shaheen thinks it will be good for the citizens. (Time: 10:42 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5-0 Passed

The Court returned to item 4j7 at 12:13 p.m. to discuss meeting dates and times. It was agreed to have three Commissioners Court meetings and one workshop per month starting November 1st, 2009. Commissioner Shaheen made a motion to approve. (Time: 12:16 p.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Joe Jaynes
Vote: 4-0 Passed (Commissioner Hoagland was not present.)

COURT ORDER NO. 2009-805-09-28

Judge Self recessed the meeting of the Collin County Commissioners Court at 12:16 p.m. and reconvened the meeting of the Collin County Health Care Foundation.

8. AI-30776 Two (2) Election Day Vote Center changes and two (2) Election Day Vote Center clarifications for the November 3, 2009, Special Elections, Elections.

COURT ORDER NO. 2009-806-09-28

9. AI-30758 Re-designation of Rural, County, FM, and US numbered roads in the Melissa area, with address updates, to maintain 9-1-1 addressing consistency with properties annexed by the City of Melissa, GIS/Rural Addressing.

COURT ORDER NO. 2009-807-09-28

10. AI-30804 2009 Collin County Historical Commission grant program in the amount of \$12,000, Historical Commission.

Commissioner Jaynes asked the members of the Historical Commission to stand and be recognized. He stated a former president once said history is the memory of a nation. The members of this commission are keeping the history and memory of Collin County alive. Commissioner Jaynes made a motion to approve \$12,000 for the grant program. Additionally, he asked Ms. Arris work to get them more assistance next year.

Lolisa Laenger, Chairwoman of the Historical Commission, came forward and thanked the Court for allowing them to initiate this grant program. She would like to meet with Court to talk about their plans. Larry Collins, Chairman of the Grant Committee, presented the Court with an overview of the creation of the grant program, then listed some of the organizations funded by this grant: Allen Heritage Guild, Anna Area Historic Preservation Society, Cemetery Association of Murphy, Heard Craig Center for the Arts of McKinney, Heritage Association of Frisco, Heritage Farmstead Museum, Plano Conservancy for Historic Preservation, and Young Family Cemetery Association. (Time: 10:47 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Matt Shaheen

Vote: 5-0 Passed

COURT ORDER NO. 2009-808-09-28

11. AI-30755 CIJS JP Project Team Result Base Compensation for the successful go-live of the Odyssey Court system, Information Technology.

COURT ORDER NO. 2009-809-09-28

12. AI-30761 Increase the payroll deduction from \$5 to \$15 a month effective October 1, 2009 for County issued cell phones, Information Technology.

Caren Skipworth, IT, stated the date the payroll deduction would take effect needed to be changed from October 1, 2009, to November 1, 2009. Commissioner Hoagland made a motion to approve. (Time: 10:45 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2009-810-09-28

Commissioners Court was recessed at 10:45 a.m. and reconvened at 10:55 a.m.

13. AI-30839 Apply for grant funds through the North Central Texas Council of Governments (NCTCOG) for Public Service Announcements and Environmental Enforcement, Public Works.

COURT ORDER NO. 2009-811-09-28

14. AI-30847 Grant application for the FY2010 Solid Waste Implementation Project from the North Central Texas Council of Governments (NCTCOG) in the amount of \$37,060, Public Works.

COURT ORDER NO. 2009-812-09-28

15. AI-30777 Upgrade County Roads 123, 124, 161 and 163 in accordance with Court Order No. 2002-353-05-13, Public Works.

COURT ORDER NO. 2009-813-09-28

16. AI-30780 Acceptance of five (5) equal payments from the City of Weston in the amount of \$1,785.00 for a total of \$8,925 for the paving of CR217, Public Works.

COURT ORDER NO. 2009-814-09-28

GENERAL DISCUSSION

Presentation, discussion and any action regarding:

5. AI-30689 Public Hearing – Placement of Regulatory Signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, came forward requesting a Public Hearing regarding placement of regulatory signs on seventeen county roads, the majority of the roads being new construction.

Judge Self opened the Public Hearing. Hearing no public comments, Judge Self closed the Public Hearing and asked for discussion. Commissioner Jaynes made a motion to approve. (Time: 10:57 a.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Jerry Hoagland

Vote: 4-0 Passed (Commissioner Shaheen was not present.)

COURT ORDER NO. 2009-815-09-28

6. AI-30687 Public Hearing – Adopt a District Court records archive fee of not more than \$5.00 for the filing of a suit Per Government Code Section 51.305, Budget.

Mr. Bilyeu informed the Court by statute, in order for the District Clerk to collect and expend these funds, they must have a public hearing to adopt the plan.

Judge Self opened the Public Hearing. Hearing no public comments, Judge Self closed the Public Hearing and asked for a motion. Commissioner Jaynes asked how much revenue this fee will generate and what it will be used for. Mr. Bilyeu stated it will generate approximately \$200,000 and part of the money will be used to offset a staff person as discussed in the budget process. This will be a fund that will grow and be used for other projects. Commissioner Jaynes asked for a list of “funds that are out there”. Monika Arris, Budget, and Jeff Mays, Auditor, stated they will provide that list to the Court. (Time: 10:57 a.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Jerry Hoagland

Vote: 4-0 Passed (Commissioner Shaheen was not present.)

COURT ORDER NO. 2009-816-09-28

7. AI-30682 Adoption of an order setting and approving the Fiscal Year 2010 Budget, Budget.

Monika Arris, Budget, presented a Power Point overview of the Proposed Budget as previously presented to the Court which was ready for adoption. Judge Self proposed having law enforcement subsidized given Mr. Kleinheksel's success in clean-up of illegal dump sites. He stated Ms. Arris has found money to include a deputy that would be assigned to the sheriff's office that would work daily with Mr. Kleinheksel strictly on environmental clean-up. The budget will remain balanced. Ms. Arris stated Mr. Kleinheksel has offered up \$170,000 from his budget to partially fund this position. Sheriff Terry Box stated this is acceptable to him and he has met with Mr. Kleinheksel and the constables. Commissioner Hoagland made a motion to approve the hiring of a deputy. Commissioner Jaynes seconded. Commissioner Hoagland wanted to talk about supplemental salary increases for two County Court at Law judges; he felt information presented to the Commissioners previously was inaccurate. Discussion followed among Court

members and Ms. Arris. Commissioner Jaynes supported the supplemental salary for judges.

Commissioner Hoagland made a motion to reduce the salary of those two County Court at Law courts by \$5,896 each. The motion died for lack of a second.

Commissioner Ward spoke about \$50,000 being placed in contingency for the creation of the Farm Museum Board. Commissioner Ward outlined her ideas for formation of the Board and plans for implementation of the \$50,000. Commissioner Ward made a motion to add that amount to the budget. Ms. Arris stated that with \$50,000 in contingency for the Farm Museum, the budget will still remain balanced. Discussion followed between Commissioners Shaheen and Ward. Commissioner Hoagland seconded. (Time: 11:11 a.m.)

Motion by: Commissioner Kathy Ward
Second by: Commissioner Jerry Hoagland
Vote: 5-0 Passed

Commissioner Jaynes asked the Court to reconsider membership in Tex 21 and presented his reasons for that request. He made that in the form of a motion Commissioner Hoagland seconded. Commissioner Ward spoke about the benefits of continuing membership in DRNC. She asked Mr. Bilyeu whether funding for Tex 21 and DRNC could be taken out of the Toll Road Authority since those organizations deal with transportation policies. Mr. Bilyeu said that can be done. Discussion followed. Judge Self felt the Court's responsibilities for transportation go way beyond the Toll Road Authority. Discussion continued among Court members. Judge Self supported remaining in these two organizations. This will add \$17,000 to the budget; but the budget remains balanced. Commissioner Shaheen wanted to remain with the Court's original decision not to continue membership in these two organizations. (Time: 11:17 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Kathy Ward
Vote: 4-1 Passed
Nay: Commissioner Matt Shaheen

Judge Self asked for a motion for adoption of the order setting and approving the FY2010 Budget with changes discussed. Commissioner Hoagland made a motion to approve. (Time: 11:17 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5-0 Passed

COURT ORDER NO. 2009-817-09-28

8. AI-30683 Adoption of an order setting the maintenance and operating tax rate for Fiscal Year 2010, Budget.

Commissioner Hoagland made a motion to approve the M & O tax rate at .18708. Judge Self asked all in favor, raise your right hand. (Time: 11:18 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
Vote: 5-0 Passed

COURT ORDER NO. 2009-818-09-28

9. AI-30684 Adoption of an order setting the debt service tax rate for Fiscal Year 2010, Budget.

Commissioner Hoagland made a motion setting the debt service rate at .05542. Judge Self asked all in favor, raise your right hand. (Time: 11:18 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward
Vote: 5-0 Passed

COURT ORDER NO. 2009-819-09-28

10. AI-30685 Adoption of an order setting the combined tax rate for Fiscal Year 2010, Budget.

Commissioner Shaheen made a motion for adoption of an order setting the combined tax rate at .2425. Judge Self asked all in favor, raise your right hand. (Time: 11:18 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 5-0 Passed

COURT ORDER NO. 2009-820-09-28

11. AI-30681 Adoption of an order setting and approving the Fiscal Year 2010 Elected Officials Compensation, Budget.

Cynthia Jacobson, HR, stated Probate Judge Copeland would not accept additional funds previously until the county reached a certain population and he now feels he has met his agreement to the county. Commissioner Jaynes made a motion to approve elected officials salaries; clarifying elected officials salaries

are remaining frozen with the exception of \$1,000 for Judge Copeland. Judge Self asked all in favor, raise your right hand. (Time: 11:20 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 5-0 Passed

COURT ORDER NO. 2009-821-09-28

12. AI-30822 2010 Pay for Performance increases, Human Resources.

Cynthia Jacobson, HR, stated the average employee will receive a 1.5% increase. Commissioner Hoagland made a motion to approve. Judge Self asked all in favor, raise your right hand. (Time: 11:21 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2009-822-09-28

13. AI-30686 Adoption and an order setting and approving the County Fee Schedule for Fiscal Year 2010, Budget.

Commissioner Hoagland made a motion to approve the County fee schedule. Commissioner Jaynes had questions of Mr. Bilyeu. Ms. Arris stated there was a document attached to the Court's packet which is the final version. Commissioner Shaheen stated all fees are guided by state statute. Ms. Arris clarified counties are given discretion to adopt certain fees within a range. Judge Self stated the Court will return to item 13. (Time: 11:22 a.m.)

Judge Self returned to item 13 at 12:09 p.m. There were 69 pages of fee changes and discussion followed. Commissioner Jaynes made a motion to approve. Judge Self asked all in favor, raise your right hand. (Time: 12:12 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Matt Shaheen
Vote: 4-0 Passed (Commissioner Jerry Hoagland was not present.)

COURT ORDER NO. 2009-823-09-28

14. AI-30679 TIRZ/TIF and Tax Abatement Policies, Budget.

Commissioner Jaynes stated this item would be brought back before the Court at a later date.

HELD

15. AI-30797 Farm Museum, Commissioner, Precinct 4.

Judge Self stated Kathy Wells Power and Nancy Wells Warder submitted blue cards in support of the funding and management of the farm museum.

Commissioner Ward thanked the Court for their support of putting \$50,000 in contingency so the Farm Museum Board can be set up right. Discussion followed among Court members. (Time: 11:26 a.m.)

NO ACTION TAKEN

16. Citizens Academy update, Commissioner, Precinct 4.

Commissioner Ward presented an update on the Citizens Academy. (Time: 11:26 a.m.)

NO ACTION TAKEN

17. AI-30803 50 mile asphalt program, Public Works.

Jon Kleinheksel, Public Works, came forward with a brief presentation entitled "The Road Runner, Paving the Way", stating they are midway through their ten-year program. Statistics were reported on the number of miles of dirt roads in Collin County (473 miles), how much asphaltting has been completed (260 miles), and what still needs to be done (213 miles). Commissioner Shaheen had some questions which Mr. Kleinheksel answered regarding maintenance. Mr. Kleinheksel continued his presentation. Commissioner Ward thanked Mr. Kleinheksel and his staff for the work they do. She commented on rock roads around schools and the necessity for safer wheelchair accessibility. (Time: 11:37 a.m.)

NO ACTION TAKEN

18. AI-30807 Conflict of Interest for Attorneys, Administrative Services.

Commissioner Hoagland had a proposal out of Texas Statute Section 1.06 which read: "Collin County will not retain lawyers in which that person's interests are materially and directly adverse to the interests of another client of the lawyer or the lawyer's firm". Judge Self asked Mr. Bilyeu for an explanation in laymen's terms. Mr. Bilyeu said the Court will have to come up with a list of what their interests are: MUD's, personal injury lawsuits, etc. Commissioner Jaynes felt the Texas Rules of Ethics dealt with this issue. Discussion followed among Court members regarding interpretation of the statute. Commissioner Hoagland felt Collin County has gotten off base with law firms that have associates who have conflicting interests to Collin County. Judge Self asked District Attorney Roach to come forward with input. Judge Roach said lawyers have an obligation to advise their clients of potential conflicts of interests. Clients can waive that right and allow the attorney to proceed. Since this is not Collin County's policy, Judge Roach could not comment on it.

Commissioner Shaheen supported Commissioner Hoagland's desire to adopt a policy. Judge Roach suggested before hiring an attorney, the County should ask them if they have any clients that are adversarial. Commissioner Ward agreed with Judge Roach's suggestion. Commissioner Shaheen wanted a policy that says the County's legal representation must follow Texas Rule 1.06. Discussion followed. Commissioner Hoagland asked that this item be put on the next agenda. Commissioner Jaynes, as the only lawyer on the Court, will assist with this proposal. (Time: 11:50 a.m.)

HELD

19. AI-30818 Filling the vacancy in County Court at Law No. 4, Administrative Services.

Judge Self stated, following discussion of this item at the last meeting of the Commissioners Court, the Court owed individuals running for office a definitive answer as to how this vacancy will be filled. Commissioner Shaheen stated he deviated from the rest of the Court when it was last discussed; however, following conversations with Mr. Shepherd he learned there is an AG opinion on the statute presented. As a result, Commissioner Shaheen is now in agreement with the rest of the Court in letting the decision be made by the public in the March election and he made that in the form of a motion. Judge Self clarified visiting judges would be used until the March primary or run off. (Time: 11:51 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Joe Jaynes
Vote: 5-0 Passed

COURT ORDER NO. 2009-824-09-28

Commissioner Hoagland announced he would have to leave the meeting at this time due to a prior commitment at Texas A & M.

20. AI-30801 2010 Employee Reclassifications, Human Resources.

Cynthia Jacobson, HR, returned before the Court with limited reclassifications for the upcoming fiscal year. Ms. Jacobson described what a reclassification is and which reclassifications HR is recommending and which they are not. HR is recommending reclassifications in IT and the District Attorney's office. There was discussion between Ms. Jacobson and Commissioner Shaheen on reclassifications in the District Attorney's office. Judge Roach returned to discuss the positions of misdemeanor investigator and felony investigator and answered questions from the Court. Judge Self made a motion to approve the positions as

recommended by HR for IT and the District Attorney's office. (Time: 12:04 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Kathy Ward

Vote: 4-0 Passed (Commissioner Hoagland was not present.)

COURT ORDER NO. 2009-825-09-28

21. AI-30861 Personnel Appointments, Human Resources.

Cynthia Jacobson, HR, stated all appointments followed standard guidelines with the exception of two: an intern in GIS and an employee in facilities due to specialized HVAC control experience. Commissioner Shaheen made a motion to approve as recommended by HR. (Time: 12:07 p.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Joe Jaynes

Vote: 4-0 Passed (Commissioner Hoagland was not present.)

COURT ORDER NO. 2009-826-09-28

22. AI-30863 Personnel Changes, Human Resources.

Ms. Jacobson remained before the Court and stated all changes followed standard guidelines. (Time: 12:07 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Matt Shaheen

Vote: 4-0 Passed (Commissioner Hoagland was not present.)

COURT ORDER NO. 2009-827-09-28

23. AI-30868 Board/Committee Appointments, Commissioners Court.

There were no Board/Committee appointments.

NO ACTION TAKEN

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

Commissioner Shaheen stated he would like to have more Commissioners Court meetings held at night. (Time: 12:08 p.m.)

EXECUTIVE SESSION

Judge Self recessed the meeting of the Commissioners Court into Executive Session from 12:16 p.m. until 1:10 p.m., in accordance with Chapter 551 of the Government Code, to discuss the following subjects:

Personnel (551.074)

AI-30869 Department Heads compensation, Human Resources.

Commissioner Jaynes made a motion to approve a PFP salary increase of 1.5% for the County Administrator and Elections Administrator. (Time: 1:10 p.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Kathy Ward

Vote: 4-0 Passed (Commissioner Hoagland was not present.)

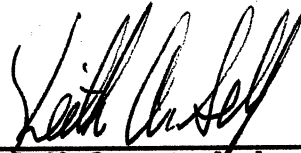
COURT ORDER NO. 2009-828-09-28

Economic Development Negotiations (551.087)


AI-30866 Texas Instruments Tax Abatement, County Judge.

NO ACTION TAKEN

Judge Self adjourned the meeting of the Collin County Commissioners Court at 1:10 p.m.



Keith Self, County Judge



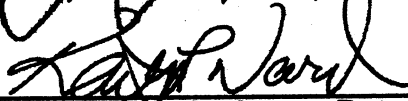
Matt Shaheen, Commissioner, Pct. 1



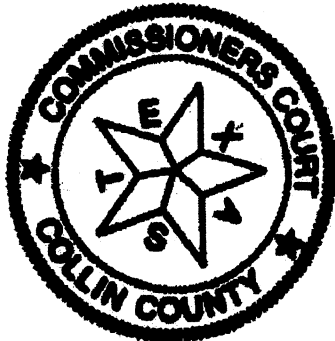
Jerry Hoagland, Commissioner, Pct. 2



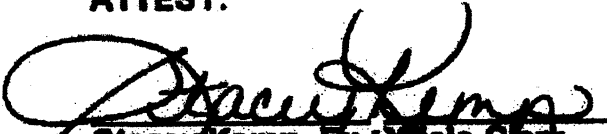
Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4



ATTEST:



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