

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 14, 2009

On Monday, December 14, 2009, the Commissioners Court of Collin County, Texas, met in Regular Session at the Geriatric Wellness Center located at 401 West 16th Street, Suite 622, Plano Texas, with the following members present, and participating, to wit:

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

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

Judge Self called to order the meeting of the Collin County Commissioners Court at 6:04 p.m. and recessed the meeting at 6:13 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation Board of Trustees at 6:13 p.m. and adjourned the meeting at 6:15 p.m.

Judge Self reconvened the Collin County Commissioners Court at 6:15 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-31232 Personnel Appointments, Human Resources.
2. AI-31233 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. AI-31185 Budget amendment in the amount of \$285,000 to establish a budget for the FY2009 State Criminal Alien Assistance Program (SCAAP) funds in Department 5032.

Commissioner Hoagland requested more information to explain the necessity for the amendment. Bill Bilyeu, Administrative Director, approached in response saying the

amendment was to move the funds from the current line item to one created specifically for SCAAP per the Department of Justice regulations. (Time: 6:04 p.m.)

2. Public Comments.

Lee Stark, Geriatric Wellness Center, arrived late due to traffic difficulties and gave comments to the Court regarding his appreciation for the support the County and Court members had shown to the senior citizens in Collin County. Mr. Stark thanked Court for the opportunity of having the Center host the meeting, which allowed more citizens to attend a Regular Session. (Time: 6:50 p.m.)

Before adjourning the meeting Judge Self asked for a show of hands of non-employee citizens who were in attendance. A number of people raised their hands to which Judge Self responded he was pleased to see so many in attendance and said more citizens were present at this meeting than had attended during regular Court hours in the Commissioners Courtroom. Judge Self closed by saying Thank You to the citizens in attendance and said their presence was appreciated by the Court. (Time: 6:50 p.m.)

3. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Commissioner Hoagland requested item d2 be pulled for discussion. Judge Self asked items e1, 2 and 3 be pulled for discussion. Motion to approve remainder of consent agenda. (Time: 6:05 p.m.)

Motion By: Commissioner Kathy Ward
Second By: Commissioner Matt Shaheen
Vote: 5-0 Passed

- a. **AI-31221** Disbursements for the period ending December 8, 2009, Auditor.
COURT ORDER NO. 2009-1030-12-14
- b. **AI-31175** Tax Refunds totaling \$181,803.06, Tax Assessor Collector.
COURT ORDER NO. 2009-1031-12-14

c. Agreement(s):

1. **AI-31172** Interlocal Agreement with the City of Plano for improvements to Bluebonnet Trail through the 1st Series - 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG14) and further authorize the County Judge to finalize and execute same, Special Projects.
COURT ORDER NO. 2009-1032-12-14

2. **AI-31173** Interlocal Agreement with the City of Princeton for improvements to Princeton Community Park through the 1st Series - 2007 Parks/Open Space Project Funding Assistance Program (Bond Project No. 07PG15) and further authorize the County Judge to finalize and execute same, Special Projects.
COURT ORDER NO. 2009-1033-12-14

d. Amendment(s):

1. **AI-31162** No. 3 to Professional Services, Architectural: Collin County Courthouse Addition Phase II (Contract No. 11089-08) with Pierce, Goodwin, Alexander & Linville, Inc., for additional architectural and engineering services for the re-bid of the Collin County Courthouse Addition, further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2009-1034-12-14

2. **AI-31252** Amendment to the Lease Agreement with Avventura Properties, LLC for leased space located at 8585 John Wesley Drive, Frisco, TX in the amount of \$13,005 per month beginning June 1, 2010 through and including May 31, 2013 and further authorize the County Judge to finalize and execute same, Construction & Projects.

Commissioner Hoagland asked Commissioner Shaheen for more information as to why this was on the agenda again. Commissioner Shaheen said he had asked for rates from other comparables in the area. Commissioner Hoagland asked if any money was saved. Bill Burke, Construction and Projects, approached in response saying no the amount per month did not change. Commissioner Shaheen stated that the cost was competitive. Commissioner Hoagland moved to approve. (Time: 6:09 p.m.)

Motion By: Commissioner Jerry Hoagland

Second By: Commissioner Matt Shaheen

Vote: 5-0 Passed

COURT ORDER NO. 2009-1035-12-14

e. Budget adjustment(s)/amendment(s), Auditor:

1. **AI-31181** \$234,075 to the Code Inspection fund due to a decrease in revenue in FY2009.

Judge Self asked if anyone from the Auditor's office was present to explain to the Court why the amendment was necessary. Due to traffic backup the Auditor was not yet present; therefore, Bill Bilyeu, Administrative Director, approached the Court stating that revenues were down and the funds generated by the Code Inspections were not enough to cover expenses. Mr. Bilyeu said this was a standalone fund that pays the inspectors and there was not enough revenue to cover the costs. Judge Self stated this was not actually an amendment to the budget. Mr. Bilyeu said it is moving funds from the general fund to the revenue fund to make up the shortage. Motion to approve amendment. (Time: 6:11 p.m.)

Motion By: Judge Keith Self

Second BY: Commissioner Matt Shaheen

Vote: 5-0 Passed

COURT ORDER NO. 2009-1036-12-14

2. **AI-31179** \$2,360,361 to reallocate funds to cover FY2009 negative balances.

Judge Self asked for an explanation of the need to reallocate funds. Jeff May, County Auditor, approached in response saying in order to prepare for the upcoming audit, his office completed an analysis of all of the negative balances and these are the items that had gone over budget. One of the items was the cost of Court Appointed Attorneys. Judge Self asked if this was just a CAFR (Comprehensive Annual Financial Report) issue. Mr. May said yes. Motion to approve. (Time: 6:15 p.m.)

Motion By: Judge Keith Self
Second By: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2009-1037-12-14

3. **AI-31180** \$5,130,274 to establish the budget for the FY2009 Air Check Texas program.

Judge Self asked Bill Bilyeu if he could talk about items e2 or e3. Bill Bilyeu, Administrative Director, said he could talk generically about item e3. Mr. Bilyeu said item 3 is funding that comes from a state program and in order to accept the money the Court had to create a budget for the program. Judge Self said his question was concerning the amount of money involved, which was more than five million dollars and asked if this was money that had built up in the County's Air Check Texas account.

Jeff May, County Auditor, approached in response saying the money was payment from the state to the County back in 2008 and the money was paid directly to COG. Motion to approve. (Time: 6:13 p.m.)

Motion By: Judge Keith Self
Second By: Commissioner Kathy Ward
Vote: 5-0 Passed

COURT ORDER NO. 2009-1038-12-14

4. **AI-31183** \$26,508,198 to adjust various accounts relating to the FY2009 Bond Issue.

COURT ORDER NO. 2009-1039-12-14

GENERAL DISCUSSION

4. **AI-31205** Direction for the Planning Board to adopt policies and procedures regarding the use of RTR or excess 2007 Bond Proceeds, Commissioner Precinct 2.

Judge Self prefaced the discussion by informing the audience that RTR stood for Regional Toll Revenue. Commissioner Hoagland stated he asked for the addition of this item to the agenda because some cities had requested use of some of the funds. Commissioner Hoagland added he thought these were legal questions as well as engineering and suggested the Court come up with a policy on how the County would participate in the construction of new roads. Commissioner Hoagland also suggested the County go to the Planning Board and have them consult with County Attorney Jim Shepherd on the state laws regarding putting policies in place relating to city and developer participation in order to maximize the funds. Commissioner

Jaynes commented that what he has found in past is the County went in fifty percent with a city and the city would go in at twenty five percent and the developer would go in at the remaining twenty five percent. Commissioner Jaynes asked Commissioner Hoagland if he wanted to even out the percentage. Commissioner Hoagland responded saying he was suggesting the creation of a policy that would have the cities and developers participate in the construction because they also benefitted from the development. Commissioner Hoagland continued saying he did not think it appropriate for Collin County tax payers to be asked to cover 100 percent of the cost. Discussion among Court members followed. Judge Self asked what the excess funds amounted to. Bill Bilyeu, Administrative Director, approached in response saying the funds came from approved bonds that came in under budget as well as contingency funds. Extensive discussion among Court members continued. Judge Self asked Engineering for more information regarding the magnitude of the funding.

Ruben Delgado, Engineering, responded saying all RTR funds were spoken for and there was no more money for additional projects. Mr. Delgado said he would be happy to bring the issue to the Planning Board and get them up to speed on the bond projects and RTR funds from the last couple of years. Additional discussion with the Court followed. Commissioner Hoagland asked if there was any objections to have the Planning Board create policies. Judge Self said he had no objection; however, it appeared this would be asking the cities for participation in the projects after the fact. Commissioner Hoagland clarified that he was not suggesting the policy for current projects, only those moving forward; this would not be retroactive. Judge Self said he was open to the idea. Discussion regarding giving the Planning Board direction to create policies for use of RTR funding. Judge Self informed the Court that Mr. Bilyeu had both Budget and the Auditor watching the funds very closely. (Time: 6:32 p.m.)

NO ACTION TAKEN

5. AI-31208 Hire counsel to review existing "bracketed" statutes and make recommendations for legislative changes to assist Collin County operations, Commissioner, Precinct 3.

Commissioner Jaynes addressed the Court saying he had been learning about statutes which regulated slaughter houses. Commissioner Jaynes said he wanted to look more closely at the statutes that apply to development because some of that development may not necessarily be wanted by the County. He continued by saying the County should look at having the statutes adjusted in order to better help the County.

Bill Bilyeu, Administrative Director, addressed the Court to say he could have the Elected Officials and Department Heads look through their known statutes to see what changes, if any, could be made. Discussion with the Court followed. Motion to direct Development Services to identify State Statutes that bracket out Collin County enforcement due to population restrictions. (Time: 6:36 p.m.)

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

COURT ORDER NO. 2009-1040-12-14

6. AI-31194 Myers Park Citizens Committee organizational structure, Commissioner Precinct 4.

Commissioner Ward opened the discussion with information regarding a vote of the Court to create a Farm Museum Board. This will enable the restoration and preservation of many items of historical importance which are currently rusting and rotting away. Commissioner Ward said the County needed to begin preserving this part of its heritage.

Commissioner Ward continued by saying the County also needed to revise policies and procedures for event planning to avoid situations such as the tractor show which was scheduled at the same time a wedding was about to begin. The County needs to have an effective policy in place to ensure day to day operations are streamlined and efficient. (Time: 6:36 p.m.)

Judge Self commented that the only question he had was regarding the tension between weddings and other events, and there was no priority. Judge Self asked how this would be handled. Judy Florence, Myers Park, responded to the question saying the current policy is a first-come-first-serve basis. The goal is to change the policy to a reservation in advance system, where private parties must book the event at least nine months in advance and events such as tractor shows would be booked one to one and a half years in advance. Discussion with the Court followed. (Time: 6:37 p.m.)

Rutledge Haggard, Plano, approached with comments regarding Myers Park saying he had been involved with the Park since childhood. The house that stands there is the house his parents gave to Myers Park to help its development. Mr. Haggard said he and his family respect the history of the County and is teaching his decedents about where the foods they eat and clothes they wear come from. He said it is very important to keep education going and that the policy the Board created is a very good start. Mr. Haggard said he did not mean to offend anyone at Myers Park, but there seemed to be a mindset that the Park had priority over the Museum; they should be viewed as equals. Mr. Haggard continued by saying that he hoped the Court approved of the policy that was created and although it does not directly say it, the policy will set the precedence that money isn't the priority, education is the priority, educating people about the history of Collin County. Mr. Haggard thanked the Court for the opportunity to speak. (Time: 6:42 p.m.)

Clark Frazier, Plano, addressed the Court with comments about the Farm Museum saying his family had been involved with Myers Park and the Farm Museum as far back as Mr. Haggard's family. His family donated the Farm Museum building which was built by his Great Grandfather just before the Civil War and is still in good condition. Mr. Frazier said he was on the Farm Museum Committee and his Father was on the original Committee. Mr. Frazier said the policy that was created would be a great start to getting the Museum on the same footing as the other areas at Myers Park. The County needed to preserve its heritage; once lost it can never be brought back.

Mr. Frazier thanked the Court for his opportunity to speak. Judge Self asked Mr. Frazier if this policy specifically melded the Myers Park Board and the Farm Museum Board. Mr. Frazier said no, but that is the next step and that it is being brought together. They would have something in January. Motion to approve. (Time: 6:44 p.m.)

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

COURT ORDER NO. 2009-1041-12-14

7. AI-31211 Authorization to opt out of the Public Power Pool Energy Procurement (P3) contract, Facilities.

Bill Bilyeu, Administrative Director, gave comments regarding opting out of the County's current energy plan. Mr. Bilyeu said other options are available that cost less and use better energy. The County needs to reserve the right to opt out now, before January 01, 2010, or they will have to wait another year. Discussion with Court regarding P3's policy and the County's options. Motion to approve reserving the right to opt out of the contract. (Time: 6:47 p.m.)

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

COURT ORDER NO. 2009-1042-12-14

8. AI-31234 Personnel Appointments, Human Resources.

Lisa Meyer, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Meyer informed the Court all appointments follow standard procedures. Motion to approve personnel appointments. (Time: 6:48 p.m.)

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

COURT ORDER NO. 2009-1043-12-14

9. AI-31235 Personnel Changes, Human Resources.

Lisa Meyer, Human Resources, addressed the Court regarding changes to current employees. Ms. Meyer informed the Court all changes follow standard procedures. Motion to approve personnel changes. (Time: 6:48 p.m.)

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

COURT ORDER NO. 2009-1044-12-14

10. AI-31236 Board/Committee Appointments, Commissioners Court.

Commissioner Ward appointed Janice Klein to the Collin County Historical Commission.
(Time: 6:50 p.m.)

Motion By: Commissioner Kathy Ward
Second By: Commissioner Matt Shaheen
Vote: 5-0 Passed

COURT ORDER NO. 2009-1045-12-14

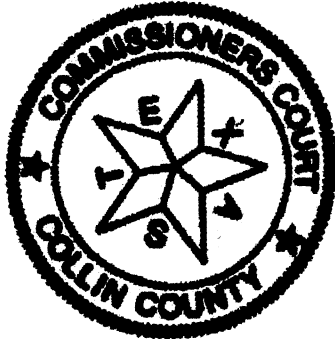
11. Possible future agenda items by Commissioners Court without discussion.

No future agenda items were presented.

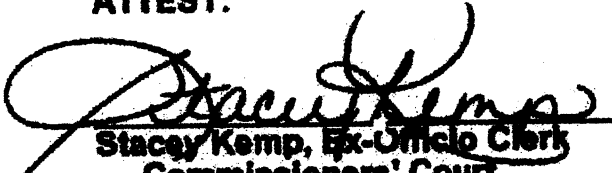
EXECUTIVE SESSION

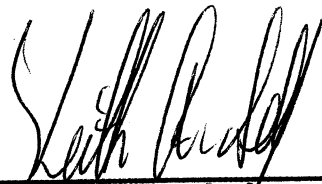
The Court did not recess into Executive Session.

There being no further business of the Court Judge Self adjourned the meeting at 6:50 p.m.



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