

STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

JANUARY 4, 2010

On Monday, January 4, 2010, the Commissioners Court of Collin County, Texas, met in Regular Session in the Commissioners Courtroom on the 4th floor of the Jack Hatchell Administration Building, 2300 Bloomdale Road in the City of McKinney, Texas. The following members were present, and participated, 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.

ITEM NO. 1 Judge Self called to order the meeting of the **Collin County Commissioners Court** at 9:33 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-31271** Budget Amendment in the amount of \$25,306.48 utilizing Drug Forfeiture fund to purchase equipment for the District Attorney Emergency Response Team, District Attorney.

Bill Bilyeu, Administrative Services, came forward to address this item. Mr. Bilyeu stated the drug forfeiture fund is a fund over which the District Attorney has full discretion as long as it is used for an office use. Commissioner Hoagland wanted to know who would be carrying the weapons and Judge Self wanted to know where the weapons would be stored and who would be conducting training. Mr. Bilyeu stated salaried employees would be carrying the weapons, joint training exercises would be conducted with the Sheriff's office and the City of McKinney, but he was unsure of plans for storage. Sheriff Terry Box stated District Attorney Roach had requested a gun safe.

Novaline Varner, Chief Criminal Investigator, approached to answer questions from the Court. She outlined training exercises, stating this team is being trained to be an Emergency Response Team, not a SWAT team. There are rooms dedicated for storage of the weapons at the UDCF Building and the Bloomdale Courthouse. Ms. Varner stated if there was a shooter in one of the buildings, the response time for a SWAT team would be approximately one hour. The main goal of this team is to protect employees and save lives. Ms. Varner stated she would be happy to schedule a demonstration for Court members.

Questions and answers followed concerning the responsibility of the bailiffs, coordination of duties and standard operating procedures. Judge Self had concerns as to who would be in charge of the operation. Commissioner Hoagland was unsure if this was a proper function of the District Attorney's office. Ms. Varner stated Collin County's District Attorney's office is the only district attorney's office in the State of Texas to have a first response team. She added, District Attorney Roach wanted to have a way to protect his employees. They are the largest law enforcement team in the building and they can respond much quicker than an outside agency. A bailiff's first responsibility is to his judge and jury. The deputies are responsible for getting prisoners secured in a safe area.

Commissioner Jaynes had questions about the expenditure and the Code of Criminal Procedure. He was unsure whether this money could be spent for courthouse security according to the statute. He asked that the County Auditor monitor this since the Court will have to approve the check. Commissioner Ward also had concerns about whether this was a proper use of funds. Commissioner Shaheen asked for a legal opinion. He also questioned why the Department of Homeland Security and the Sheriff's Department were not being asked to respond. Ms. Varner did not have an answer to that, other than to say that while this was a work in progress, training was still ongoing. Judge Self asked to see an agreement between the law enforcement agencies who have jurisdiction over the courthouse before this moves forward. Ms. Varner felt it would take four to six months before everything is complete. Commissioner Hoagland wanted to delay approval of this check pending a legal opinion. Discussion followed between Ms. Varner and the Court. (Time: 10:00 a.m.)

2. AI-31289 Personnel Appointments, Human Resources.

FYI NOTIFICATION

1. **AI-31274** Change Order No. 3 to Services: Window Cleaning (IFB No. 11056-08) with A&W Window Cleaning to add the cost of the lift rental to the Administration Building in the amount of \$692.34 (NTE \$2,769.36 annually) (budgeted), Facilities.

2. **AI-31251** Utilization of the Houston-Galveston Area Council (HGAC) Cooperative contract to purchase 25 Motorola Radios and accessories for the District Attorney's office in the amount of \$84,250 from Motorola (budgeted), Purchasing.

3. **AI-31177** Utilization of the State of Texas contract (Contract No. TXMAS 4-70080) to purchase hardware/software from Sirius Computer Solutions for the VMWare project (budgeted), Information Technology.

4. **AI-31238** Utilization of the Tarrant County cooperative contract to purchase Code 3 Defender Lightbars from Big Country Supply for the Sheriff's Office and Constables, Public Works.

5. **AI-31270** Placement of three (3) historical markers at various locations within Collin County, Public Works.

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

a. **AI-31209** \$30,000 to move funds to the appropriate line items as set by the State.

7. **AI-31220** Budget amendment(s)/adjustment(s) totaling \$1,376,731 (over \$5,000 per c/o 2005-589-08-01), Budget.

ITEM NO. 2 Public Comments. Roy Serpa, Fairview, Texas, came forward to remind the Court of comments he made this time last year in which he said the economy was headed for a difficult period. He feels we will continue to face difficult times for another year or two so he encouraged the Court to continue to take a conservative approach with the expenses of the taxpayers.

Judge Self asked John Oldner to come forward. Mr. Oldner stated he did not have a public comment; rather, he was present to speak on General Discussion Item No. 6. (Time: 9:35 a.m.)

ITEM NO. 3 Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of January, Human Resources.

ITEM NO. 4 Consent agenda to approve. Judge Self asked if any member of the Court or any member of the audience had an item they wanted pulled from the consent agenda for individual consideration. Commissioner Hoagland wanted to discuss the budget item for the District Attorney. Commissioner Shaheen pulled item 4c1. Judge Self pulled items 4d1, 4k2 and 4k5. (Time: 9:37 a.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Kathy Ward

Vote: 5 - 0 Passed

a. **AI-31227** Disbursements for the period ending December 17, 2009, Auditor.

COURT ORDER NO. 2010-001-01-04

b. Advertisement(s):

1. **AI-31212** Services, Electronic Fire Alarm/Fire and Sprinkler Alarm Inspections & Testing (IFB No. 10019-10), Facilities.

COURT ORDER NO. 2010-002-01-04

2. **AI-31214** Services, Electronic Fire Alarm & Fire Sprinkler Systems Maintenance & Repairs (IFB No. 10020-10), Facilities.

COURT ORDER NO. 2010-003-01-04

c. Award(s):

1. **AI-31273** Median Opening improvements for Bloomdale Road (IFB No. 08729-09) to Jim Bowman Construction, L.P. and further authorize the Purchasing Agent to finalize and execute the Construction Agreement (budgeted), Engineering.

Commissioner Shaheen asked if Public Works could do this work for the County rather than awarding a \$50,000 contract. Judge Self called Jon Kleinheksel forward. Mr. Kleinheksel said he would look at this project and come back before the Court with a response. Commissioner Shaheen asked that this item be held until Mr. Kleinheksel returned with an answer. (Time: 10:01 a.m.)

HELD

d. Agreement(s):

1. **AI-31248** Interlocal Agreement with the City of Richardson for the Engineering and Construction of Performance Drive (Routh Creek Parkway) Paving and Drainage Improvements - 2003 Bond (Discretionary Project No. 03-122) Collin County's participation NTE \$8,032,120 (final construction cost); Rescind Court Order No.'s 2006-1091-12-12 and 2005-243-04-12 Interlocal Agreements for Performance Drive and Infocom Drive, budget amendment in the amount of \$4,100,000 and further authorize the County Judge to finalize and execute same, Engineering.

Tracy Homfeld, Engineering, came forward at the request of Judge Self with a history of this bond money, dating back to December 12, 2006. The City of Richardson has asked the County for a reallocation of their 2003 and 2007 bond projects in lieu of the \$4.1 million loan. Ms. Homfeld stated this would essentially be the same amount of funding. Judge Self made a motion to approve as outlined by Ms. Homfeld. (Time: 10:05 a.m.)

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

COURT ORDER NO. 2010-004-01-04

2. **AI-31250** Project Agreement (Exhibit A) with the Collin County Soil and Water Conservation District, the State of Texas and the United States Department of Agriculture Natural Resources Conservation Service (NRCS) to rehabilitate the Trinity - Pilot Grove Watershed, Site 28 (28PG) at an estimated cost of \$605,000 to be funded 100% by the NRCS and further authorize the County Judge to finalized and execute same, Public Works.

COURT ORDER NO. 2010-005-01-04

3. **Interlocal Agreement(s) for Library Services in equal quarterly installment payments and further authorize the County Judge to finalize and execute same, Budget:**

a. **AI-31255** Allen Public Library in the amount of \$8,959.99 (totaling \$35,839.95).

COURT ORDER NO. 2010-006-01-04

b. **AI-31256** Charles J. Rike Memorial Library in the amount of \$4,356.01 (totaling \$17,424.03).

COURT ORDER NO. 2010-007-01-04

c. **AI-31257** Frisco Public Library in the amount of \$10,178.95 (totaling \$40,715.81).

COURT ORDER NO. 2010-008-01-04

d. **AI-31258** McKinney Public Library in the amount of \$11,436.76 (totaling \$45,747.03).

COURT ORDER NO. 2010-009-01-04

e. **AI-31259** Melissa Public Library in the amount of \$4,418.75 (totaling \$17,674.99).

COURT ORDER NO. 2010-010-01-04

f. **AI-31260** Plano Public Library in the amount of \$19,918.72 (totaling \$79,674.88).

COURT ORDER NO. 2010-011-01-04

g. **AI-31261** Princeton Community Library in the amount of \$4,511.36 (totaling \$18,045.46).

COURT ORDER NO. 2010-012-01-04

h. **AI-31262** Prosper Community Library in the amount of \$4,580.08 (totaling \$18,320.32).

COURT ORDER NO. 2010-013-01-04

i. **AI-31264** Rita & Truett Smith Public Library in the amount of \$6,444.38 (totaling \$25,777.52).

COURT ORDER NO. 2010-014-01-04

e. Amendment(s):

1. **AI-31213** No. 1 to the Lease Agreement with the Collin County Health Care Foundation and Collin County for property located at 900 East Park Boulevard, Plano, Texas to be occupied by CSCD (Community Supervision and Corrections Department) to change the address of the Landlord and Tenant to 2300 Bloomdale Road, McKinney, Texas 75071, extend the contract through and including December 31, 2014 and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2010-015-01-04

2. **AI-31216** No. 6 to the Lease Agreement with the Collin County Health Care Foundation and Collin County for property located at 825 North McDonald Street, McKinney, Texas (to be occupied by the Collin County Bio-Terrorism department) to change the address of the Landlord to 2300 Bloomdale Road, McKinney, Texas 75071, extend the contract through and including December 31, 2010 and further authorize the County Judge to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2010-016-01-04

f. Change Order(s):

1. **AI-31176** No. 1 to Services: Exterminator, Pest Control and Termite Prevention Treatment (IFB No. 03490-09) with Prime Pest Management for a price reduction to various contract items and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2010-017-01-04

2. **AI-31254** No. 1 to Supplies: Janitorial Paper and Disposable Products (Contract No. 07722-09) with UCA, Inc. to delete all awarded items, per the attached documentation and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-018-01-04

3. **AI-31166** No. 2 to Detergents and Dispensers for Laundry and Kitchen (IFB No. 07720-09) with Supply Sanitation Systems, LLC to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2010-019-01-04

4. **AI-31229** No. 2 to Supplies: Jail and Personal Inmate (IFB No. 03447-09) with Bob Barker Company, Inc. to delete line item 03447-09-1-15 Blanket Bed 62" x 90" and add line item 03447-09-1-1 Blanket Bed 66" X 90" and further authorize the purchasing agent to execute the same, Sheriff.

COURT ORDER NO. 2010-020-01-04

g. Ratification of the County Judge's prior approval:

1. **AI-31195** Notice of Subrecipient Grant Award document for acceptance of the FY2009 Emergency Management Performance Grant (EMPG) program funding with the State of Texas, Governor's Division of Emergency management in the amount of \$30,000, Homeland Security.

COURT ORDER NO. 2010-021-01-04

h. Budget adjustment(s)/amendment(s):

1. **AI-31210** \$10,000 to reallocate funds for the replacement of the Fountain at Myers Park & Event Center, Construction & Projects.

COURT ORDER NO. 2010-022-01-04

2. **AI-31253** \$37,551 to establish the budget for the Mobile Incident Command Post to be utilized for service costs, computer hardware, software and equipment repairs, Homeland Security.

COURT ORDER NO. 2010-023-01-04

i. Receive and File, Auditor:

1. **AI-31245** Payroll Distribution Audit for the Budget department.

COURT ORDER NO. 2010-024-01-04

2. Final Audit Results:

a. **AI-31242** Elections (2nd, 3rd & 4th Quarter FY2009).
COURT ORDER NO. 2010-025-01-04

b. **AI-31243** Engineering (2nd & 3rd Quarter FY2009).
COURT ORDER NO. 2010-026-01-04

c. **AI-31244** District Clerk (4th Quarter FY2008 and 1st & 2nd Quarter FY2009).
COURT ORDER NO. 2010-027-01-04

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

1. **AI-31197** November 30, 2009.
COURT ORDER NO. 2010-028-01-04

2. **AI-31266** December 7, 2009.
COURT ORDER NO. 2010-029-01-04

3. **AI-31268** December 7, 2009, Collin County Toll Road Authority.
COURT ORDER NO. 2010-030-01-04

k. Miscellaneous

1. **AI-31246** Mileage rate adjustment from \$0.55 to \$0.50 per mile effective January 1, 2010 per IRS, Auditor.
COURT ORDER NO. 2010-031-01-04

2. **AI-31170** Replacement of a 2003 Ford Crown Victoria (Vehicle Unit No. 38715), Public Works.

By way of explanation, Judge Self asked Mr. Kleinheksel if this was a deal that was done to finish off the usable life of a vehicle with no replacement plan in the future. Jon Kleinheksel, Public Works, said that was correct. Public Works is now asking for a replacement vehicle because another vehicle was replaced that was earmarked for FY2010. An explanation of the reasoning and funding for that replacement followed. Mr. Kleinheksel added his office is trying to work with Constable 3 to get a new hybrid in the rotation, not the fleet. Monika Arris, Budget, stated this is a hand-me-down vehicle and the replacement is due to a constable being transferred as a result of redistricting. Mr. Kleinheksel and Ms. Arris answered questions from Court members. Ms. Arris explained the funding and said money was available to replace this hand-me-down vehicle. Commissioner Hoagland did not want to increase the fleet. Judge Self asked that this be held until budget time when the Court can decide whether or not to increase the size of the fleet. Commissioner Ward wanted to make sure the constables have appropriate vehicles for the road. Discussion continued. Judge Self recommended holding this item and having Mr. Kleinheksel work with the constables for a suitable vehicle. (Time: 10:12 a.m.)

HELD

3. **AI-31239** Donation of a surplus 2008 Crown Victoria (Vehicle Unit No. 48012) to the Josephine Volunteer Fire Department per LGC VTCA 263.152, Public Works.

COURT ORDER NO. 2010-032-01-04

4. **AI-31187** Acceptance of an LED Traffic Messaging System for a Ford Crown Victoria patrol car as a gift (includes system, installation and initial programming) from Foretravel Safety Products (No Cost), Sheriff.

COURT ORDER NO. 2010-033-01-04

5. **AI-31223** Acceptance of an ACU-2000 to provide interoperability among multiple radio systems operating on different frequencies and a SIP-based gateway to digitally converge an existing radio system with SIP telephones, Networks, and devices from Raytheon, Sheriff.

Sheriff Terry Box came forward and said Motorola has been responsible for maintenance for this year, but maintenance will have to be budgeted for next year. It should be no more than \$1,000.00. Sheriff Box said this is a piece of portable equipment which can be added to any site in our operation and enable all departments to talk together. Judge Self felt this was a great piece of equipment and will do wonders to knit radio communication together. He made a motion to accept the equipment. (Time: 10:13 a.m.)

Motion by: Judge Keith Self

Second by: Commissioner Jerry Hoagland

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-034-01-04

6. **AI-31224** Grant exemption from the competitive bidding process per 262.024(a)(2) an item necessary to preserve or protect the public health or safety of the resident of the county; for services to strengthen the Wilmeth Radio Tower located at 700 Wilmeth Road, McKinney, Texas per code to allow for the inclusion of additional antennas systems and dishes, Sheriff.

COURT ORDER NO. 2010-035-01-04

GENERAL DISCUSSION

ITEM NO. 5 AI-31127 Public Hearing – Placement of Regulatory Signs on various County Roads, Public Works.

Jon Kleinheksel, Public Works, requested a public hearing for placement of regulatory signs due to new construction. Judge Self opened the public hearing for comments. Hearing no comments, the public hearing was closed. Commissioner Jaynes made a motion to approve. (Time: 10:14 a.m.)

Motion by: Commissioner Joe Jaynes

Second by: Commissioner Kathy Ward

Vote: 5 - 0 Passed

ITEM NO. 6 AI-31184 Public Hearing – Application for Junkyards, Automotive Wrecking and Salvage Yards located at 10999 Hwy 78, Lavon, Texas, Fire Marshal.

John Oldner came forward as counsel for the adjoining property owners. His clients, who have owned this property for forty years, contacted him in 2006 due to what he characterized as a horrendous invasion of their property by the raising of the elevation due to this wrecking yard. The properties are in a flood plain for Lake Ray Hubbard. Regulations passed by the Commissioners Court for wrecking yards state they cannot be within 1,000 feet of a tributary. Additionally, the wrecking yard has buried materials, such as old cars, engines and tires and oil drains through the properties. Mr. Oldner's clients hired a company to come in and assess the damage and were told clean-up could cost up to \$1 million. TCEQ (Texas Commission on Environmental Quality) also visited the properties and created a lengthy list of damages. Mr. Oldner has been unable to find the owner of the property. Registered letters have not been picked up.

Judge Self explained that the Court has been asked to grant a variance for this property due to it being too close to a church, home, school, hospital, park, nursing home or property line. According to ordinance as established by the Commissioners Court, there has to be 300 feet between properties.

Commissioner Jaynes asked since this is a wrecking yard already in business, isn't it in violation of the court order? Judge Self asked Fire Marshal Steve Deffibaugh to come forward to offer context. Fire Marshal Deffibaugh said there has been a wrecking yard on that property since 1988. An application has been made to open a new wrecking yard. According to court order, if the business name or owner changes, it starts as new business. Explanation continued as to previous owners and the current business owners who are leasing the property. Commissioner Hoagland had concerns that the City of Lavon was not aware of this situation and he wanted to have them involved. Judge Self also wanted to hear from the city before the Court proceeds.

Judge Self had a public comment card from Hebert Raya who was speaking on behalf of the new business owner and lessee of the property. Mr. Raya stated they have cleaned up the property and had done soil tests. They are trying to manage the business properly and get the Court's approval. He explained their business operation. Judge Self stated this matter would be held for a different date and he asked Mr. Raya and the business owner to talk to the city and let them come forward with their comments. Commissioner Hoagland wanted to deny this. Mr. Bilyeu thought the Court should check with counsel. Commissioner Hoagland said underlying contamination is still there.

Judge Self opened the public hearing for comments. Hearing no comments, the public hearing was closed. (Time: 10:33 a.m.)

HELD

Judge Self recessed Commissioners Court at 10:33 a.m. and reconvened at 10:42 a.m.

ITEM NO. 7 AI-31135 Wellness Program, Commissioner Pct. 2.

Commissioner Hoagland asked Cynthia Jacobson, Human Resources, if her study has been finalized. Ms. Jacobson updated the Court on a conversation between Commissioner Hoagland and Legacy, as well as a conversation she had with one of Legacy's physicians. She added nothing has been finalized. Commissioner Hoagland wanted to hold this item until Ms. Jacobson gets a final recommendation. Ms. Jacobson answered questions from Commissioner Shaheen and Judge Self. (Time: 10:50 a.m.)

HELD

ITEM NO. 8 AI-31272 Dallas North Tollway west service road (South bound lanes) from US 380 to FM 428 preliminary cost analysis, funding availability and traffic study, Engineering.

Ruben Delgado, Engineering, came forward as a result of a December 2009 Court request to return with a follow-up on preliminary cost analysis, funding availability and traffic study for the DNT service road. Mr. Delgado addressed all issues as requested by the Court and answered questions. Commissioner Shaheen asked to meet with Mr. Delgado to go over all work that has been completed to date. (Time: 10:59 a.m.)

NO ACTION TAKEN

ITEM NO. 9 AI-31282 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, stated there was one personnel appointment and it was at the beginning of the pay range. Commissioner Hoagland made a motion to approve. (Time: 10:59 a.m.)

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

COURT ORDER NO. 2010-037-01-04

ITEM NO. 10 AI-31283 Personnel Changes, Human Resources,

Cynthia Jacobson, Human Resources, stated all personnel changes met standard guidelines. Commissioner Hoagland made a motion to approve. (Time: 10:59 a.m.)

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

COURT ORDER NO. 2010-038-01-04

ITEM NO. 11 AI-31288 Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen re-appointed Loretta Ellerbe to the Planning Board. (Time: 11:00 a.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Jerry Hoagland
Vote: 5 - 0 Passed

Commissioner Jaynes re-appointed Dr. Rick Crawford to LifePath Systems. (Time: 11:00 a.m.)

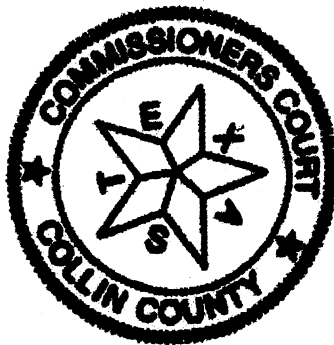
Motion by: Commissioner Joe Jaynes
Second by: Commissioner Kathy Ward
Vote: 5 - 0 Passed

COURT ORDER NO. 2010-039-01-04

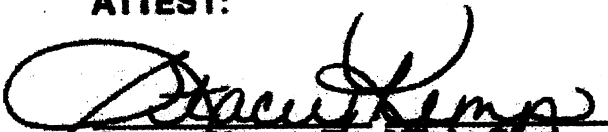
ITEM NO. 12 Possible future agenda items by Commissioners Court without discussion. There were none discussed.

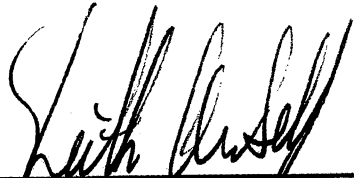
EXECUTIVE SESSION

There being no reason to recess into Executive Session, Judge Self adjourned the Commissioners Court meeting at 11:00 a.m.



ATTEST:


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



Keith Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4