

STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

DECEMBER 7, 2009

On Monday, December 7, 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
Absent: Precinct 4 Commissioner Kathy Ward

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

ITEM NO. 1 Judge Self called to order the meeting of the **Collin County Commissioners Court** at 9:30 a.m.

Judge Self recessed the meeting of the Collin County Commissioners Court at 9:37 a.m. and convened the meeting of the **Collin County Health Care Foundation Board of Trustees**.

President Self recessed the meeting of the Collin County Health Care Foundation Board of Trustees at 9:38 a.m. and convened the meeting of the **Collin County Toll Road Authority Board of Directors**.

President Self recessed the meeting of the Collin County Toll Road Authority Board of Trustees at 9:38 a.m. and reconvened the meeting of the **Collin County Commissioners Court**.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-31192** Personnel Appointment, Human Resources.

FYI NOTIFICATION

1. **AI-31141** Budget amendment in the amount of \$43,615 to establish the budget for the 2009 Justice Assistance grant, Auditor.

2. **AI-31125** Budget amendment(s)/adjustment(s) totaling \$21,713 (over \$5,000 per c/o 2005-589-08-01), Budget.

ITEM NO. 2 Public Comments. There were no public comments.

ITEM NO. 3 Recognition/Presentation:

a. **AI-31200** Proclamation for Pearl Harbor Remembrance Day, Commissioner - Precinct 3.

Commissioner Jaynes invited Donald Babbs to come forward to be presented with a proclamation declaring December 7, 2009, in Collin County as Pearl Harbor Remembrance Day. Commissioner Jaynes read the proclamation aloud, noting the comparisons between the times then and now. Mr. Babbs thanked Commissioner Jaynes and the Court, noting Collin County lost four young men in the attack on Pearl Harbor. (Time: 9:33 a.m.)

b. **AI-31105** Best of Web Award, 5th place, for the County Portal in the United States from the Center for Digital Government, Information Technology.

Caren Skipworth, IT, called Susan Whitaker and Eric Nishimoto forward as team members who contributed to Collin County receiving 5th place in the Best of Web Award for 2009. Ms. Skipworth wanted the web team and PIO staff recognized for their time and effort. (Time: 9:35 a.m.)

c. **AI-31167** Collin County Sheriff's office for being selected as a National Award Winner for outstanding participation in the "26th Annual National Night Out" (NNO) crime, drug and violence prevention program, Sheriff.

Sheriff Terry Box recognized three members of the Crime Prevention Unit: Deputy Hugh McClellan, Major Chuck Ruckel and Deputy Dickie Thomas for their participation in Collin County being the 2009 National Award Winner for outstanding participation from the National Association of Town Watch. Collin County ranked 14th in the nation for counties with populations of 300,000 or more. (Time: 9:37 a.m.)

Judge Self recessed the meeting of the Collin County Commissioners Court at 9:37 a.m. and convened the meeting of the Collin County Health Care Foundation Board of Trustees.

d. Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of December, 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 Shaheen pulled items 4e1 and 4e2 and Judge Self pulled items 4d4 and 4e3. Commissioner Jaynes made a motion to approve the remainder of the consent agenda. (Time: 9:39 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 4 - 0 Passed

- a. **AI-31189** Disbursements for the period ending December 1, 2009, Auditor.
COURT ORDER NO. 2009-1002-12-07

- b. **Advertisement(s):**
COURT ORDER NO. 2009-1003-12-07

1. **AI-31112** Insurance, Medical: Stop Loss (RFP No. 11097-10) (budgeted), Human Resources.

c. **Award(s):**

1. **AI-31155** Collin County Central Plant Upgrade (IFB No. 09782-09) to Swaim Construction & Associates, Inc., authorize the trade-in of equipment no longer needed and a credit of \$270,000 to purchase a chiller from Johnson Controls utilizing the TXMAS contract 5-540190 and further authorize the Purchasing Agent to finalize and execute the construction agreement (budgeted), Construction & Projects.

COURT ORDER NO. 2009-1004-12-07

d. **Agreement(s):**

1. **AI-31149** Interlocal Agreement with the City of Princeton for Construction to Monte Carlo Blvd. improvements - 2007 Bond Project No. 07-077 (County's Portion NTE \$3,976,575) and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2009-1005-12-07

2. **AI-31152** Contractual Agreement for Right of Way Procurement with the Texas Department of Transportation for the purchase of Right of Way along FM 2551 (Murphy Road) (CSJ No. 2056-01-043) County Bond Project No. 03-081, budget amendment in the amount of \$1,000,000 and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-1006-12-07

3. **AI-31130** Funding Agreement with the Blackland Prairie Raptor Center for improvements to the center through the 1st Series - 2007 Parks/Open Space Funding Assistance Program (Bond Project No. 07PG03) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-1007-12-07

4. **AI-31131** Funding Agreement with the Trinity Trail Preservation Association for

improvements along Trinity Trail through the 1st Series - 2007 Parks/Open Space Funding Assistance Program (Bond Project No. 07PG04) and further authorize the County Judge to finalize and execute same, Special Projects.

Jeff Durham, Special Projects Manager, came forward at the request of Judge Self who asked if this item needed to be incorporated with General Discussion Item No. 7. Mr. Durham said no, the two items are not tied together. Judge Self made a motion to approve. (Time: 9:40 a.m.)

Motion by: Judge Keith Self

Second by: Commissioner Matt Shaheen

Vote: 4 - 0 Passed

COURT ORDER NO. 2009-1008-12-07

5. AI-31143 Interlocal Agreement with the City of Anna for improvements to Natural Springs Park through the 1st Series - 2007 Parks/Open Space Funding Assistance Program (Bond Project No. 07PG06) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-1009-12-07

6. AI-31132 Interlocal Agreement with the City of Melissa for improvements to Bob Miller Park through the 1st Series - 2007 Parks/Open Space Funding Assistance Program (Bond Project No. 07PG11) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-1010-12-07

7. AI-31142 Interlocal Agreement with the Town of New Hope for the improvements to Town Park through the 1st Series - 2007 Parks/Open Space Funding Assistance Program (Bond Project No. 07PG12) and further authorize the County Judge to finalize and execute same, Special Projects.

COURT ORDER NO. 2009-1011-12-07

e. Amendment(s):

1. AI-31062 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 Shaheen thanked the negotiating team for conducting benchmark research on this leased property in Frisco. Two comparable properties were identified as paying a lower price per square foot (\$17 versus \$19) than Collin County. Commissioner Shaheen asked the team to go back and renegotiate a lower rate with Avventura Properties, stating the lower price would save Collin County approximately \$1,000 per month. He made that request in the form of a motion. (Time: 9:41 a.m.)

Motion by: Commissioner Matt Shaheen

Second by: Commissioner Jerry Hoagland
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-1012-12-07

2. AI-31133 No. 1 and Resolution to the Master Software License and Professional Services Agreement for the Common Integrated Justice System (CIJS) (Contract No. 01318-09) with Texas Conference of Urban Counties, Inc. (CUC) and Tyler Technologies and further authorize County Judge to finalize and execute same, Information Technologies.

Commissioner Shaheen stated this is an agreement which has an increase of hourly rates for IT work done for new projects and change orders. Given the economy Commissioner Shaheen did not agree with this increase and he made a motion to not approve item 4e2. Judge Self asked Caren Skipworth, IT, about the impact of not approving. Ms. Skipworth stated this particular contract has already been approved by the CUC. All 15 participating counties have already approved this to move forward. This only impacts new projects and new counties; therefore, there will be zero impact to Collin County. Judge Self asked what will happen if this item is not approved. Ms. Skipworth stated if this is not approved, Collin County will have to pull out of the CUC tech share CJIS program. Commissioner Shaheen stated he did not want to do that and withdrew his objection. Commissioner Hoagland made a motion to approve. (Time: 9:44 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-1013-12-07

3. AI-31156 No. 3 to Engineering Services for Roads (Bond Project No. 99-93) with Chiang Patel & Yerby, Inc. to add Supplemental Agreement No. 2, 4 & 5, further authorize the Purchasing Agent to finalize and execute same, Engineering.

Judge Self asked Ruben Delgado, Engineering, asked about the requirement to go from a single span to a three span bridge. Mr. Delgado stated the bridge modification consists of making it a clear span at the request of the state so there would not be a structure in the middle of the creek. The bridge will be in conformance with the six-lane divided highway. Judge Self made a motion to approve. (Time: 9:45 a.m.)

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

COURT ORDER NO. 2009-1014-12-07

f. Change Order(s):

1. **AI-31126** No. 2 to Equipment, Grounds Maintenance (IFB No. 10091-09) with Richardson Saw and Lawnmower to add item 10091-09-1-19 - Billy Goat High Wheel Mower to the contract, further authorize the Purchasing Agent to finalize and execute same, Public Works.

COURT ORDER NO. 2009-1015-12-07

2. **AI-31139** No. 5 to Printing, General Office Forms (IFB 03080-07) with Extreme Business Products to add item no. 03080-07-7-03 - Custody Report to the contract, further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2009-1016-12-07

3. **AI-31151** No. 14 to Construction, Building: Collin County Administration Building (IFB No. 05097-07) with Ratcliff Constructors, L.P., to provide various changes to the contract for an increase of \$44,102.97 and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2009-1017-12-07

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

1. **AI-31182** Motion to Release Funds from the Registry of the Court, County Judge.

COURT ORDER NO. 2009-1018-12-07

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

1. **AI-31117** November 9, 2009.

COURT ORDER NO. 2009-1019-12-07

2. **AI-31123** November 11, 2009 Canvas Election Special Session.

COURT ORDER NO. 2009-1020-12-07

3. **AI-31147** November 16, 2009.

COURT ORDER NO. 2009-1021-12-07

i. Miscellaneous

1. **AI-31120** Reject all proposals for Software & Implementation Services for Financial Software (RFP No. 11196-09), Information Technology.

COURT ORDER NO. 2009-1022-12-07

2. **AI-29138** Termination of Insurance: Stop Loss Coverage (RFP No. 08616-08) with United Healthcare, Human Resources.

COURT ORDER NO. 2009-1023-12-07

GENERAL DISCUSSION

ITEM NO. 5 AI-31136 Information Technology External Audit for FY09 by eGov, Information Technology.

Caren Skipworth, IT, came forward to introduce Ernest Pages, Partner with eGov Consulting. eGov conducted IT's FY2009 three-year audit which consisted of a Standard Security Audit and a Management Audit. Mr. Pages thanked the Court for the opportunity to work with Collin County's IT Department and then gave an overview of his Power Point presentation, discussing the processes followed. Detailed explanation on each topic followed. The four areas of focus in the IT audit process are: strategy alignment, organizational review, process alignment and technology analysis. Conclusions and recommendations concluded Mr. Pages' presentation. Mr. Pages answered questions from Court members and continued with his presentation which included a discussion of risk. Commissioner Shaheen had questions on ITIL (Information Technology Infrastructure Library).

Judge Self said he had concerns about no IT tie back to county-wide continuity of operations plan; Mr. Pages concurred. Judge Self then stated he had to leave the meeting and passed the gavel to Commissioner Shaheen. (Time: 10:45 a.m.)

Mr. Pages concluded with recommendations, stating organizational operational alignment and processes streamlining are areas that need attention. Questions followed for Mr. Pages and Ms. Skipworth with Ms. Skipworth stating she would consult with eGov further to look at the government structure. eGov will return in six months to check implementation of recommended plans. (Time: 11:06 a.m.)

NO ACTION TAKEN

ITEM NO. 6 AI-31137 Annual update, Information Technology.

Caren Skipworth, IT, showed a Power Point presentation to the Court highlighting what the five departments that fall under IT have accomplished in the past year and what they are currently working on. They are looking at how to bring all five departments together to control growth of staff and to use IT resources more effectively by working smarter. ITIL (Information Technology Infrastructure Library) was implemented and Ms. Skipworth outlined the five features under ITIL. Collin County is one of the first counties in Texas to implement ITIL and Ms. Skipworth will be applying for a Best Practices Award next year. Ms. Skipworth next showed the IT organizational chart and continued with her presentation which included IT's five separate budgets. Ms. Skipworth also enumerated IT's accomplishments for FY2009, which included 17 large IT projects. She discussed the updated website and online services. She listed the County and IT awards for FY2009. They have already received awards for FY2010. In conclusion, Ms. Skipworth spoke about the FY2010 overview and the direction in which IT wants to move. Commissioner Shaheen complimented Ms. Skipworth on doing a great job while maintaining a flat budget. (Time: 11:26 a.m.)

NO ACTION TAKEN

ITEM NO. 7 AI-31140 Trinity Trail Preservation Association to delete the requirement to provide General Liability Insurance coverage for all activities performed on-site, Special Projects.

Judge Self called Jeff Durham, Special Projects Manager, forward. Mr. Durham stated he was asked by the Trinity Trail Preservation Association to delete the insurance requirements from their contract with Collin County. They are a volunteer organization and it's an expense they have every year. After discussion with Human Resources and Bill Bilyeu, County Administrator, the recommendation that came back was to consider removing that as a requirement of the contract. Judge Self asked Frank Ybarbo, Purchasing, for the number of non-profits for which the County accepts the insurance liability. Mr. Ybarbo stated he did not have information at hand, but would do research on that. Commissioner Jaynes wanted to know if the County would be accepting liability. Mr. Bilyeu addressed that issue. Judge Self asked if this would increase risk to the county. Mr. Bilyeu said that would be a true statement. Discussion followed between Mr. Bilyeu and Court members. Commissioner Jaynes asked them to research this further and bring the information back to a future Court. The entire Court agreed. (Time: 9:52 a.m.)

HELD

ITEM NO. 8 AI-31191 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, stated all personnel appointments were at the beginning of the page range. Commissioner Jaynes made a motion to approve. (Time: 11:26 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
(Judge Self was not present for the vote.)
Vote: 3 - 0 Passed

COURT ORDER NO. 2009-1024-12-07

ITEM NO. 9 AI-31201 Board/Committee Appointments, Commissioners Court.

Commissioner Hoagland appointed Donna Jenkins to the Historical Commission. (Time: 11:27 a.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
(Judge Self was not present for the vote.)
Vote: 3 - 0 Passed

COURT ORDER NO. 2009-1025-12-07

a. AI-31202 Nominate a member to serve on the Regional Aging Advisory Committee, County Judge.

Commissioner Jaynes made a motion to re-appoint Henry Kepner to the Regional Aging Advisory Committee. (Time: 11:27 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Joe Jaynes
(Judge Self was not present for the vote.)
Vote: 3 - 0 Passed

COURT ORDER NO. 2009-1026-12-07

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

EXECUTIVE SESSION

Judge Self recessed Commissioners Court into Executive Session at 9:53 a.m. in accordance with Chapter 551.071, Legal; 551.076, Security; and 551.078, Economic Development Negotiations. Court was reconvened at 10:15 a.m.

Legal (551.071)

AI-31158 Mediation for a former employee, Human Resources.

NO ACTION TAKEN

AI-31199 Settlement - Voda Site Group, Commissioners Court.

Commissioner Hoagland made a motion to approve as discussed in Executive Session. (Time: 10:15 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-1027-12-07

Security (551.076)

AI-31091 Emergency Action Plan for High Hazard Dams in Collin County and further authorize the County Judge to execute same, Homeland Security.

Commissioner Shaheen made a motion to approve as discussed in Executive Session. (Time: 10:15 a.m.)

Motion by: Commissioner Matt Shaheen
Second by: Commissioner Jerry Hoagland
Vote: 4 - 0 Passed

COURT ORDER NO. 2009-1028-12-07

Economic Development Negotiations (551.087)

AI-31150 Texas Instruments Tax Abatement, County Judge.

Commissioner Hoagland made a motion to approve as discussed in Executive Session. Judge Self stated the terms of the agreement would become public following today's meeting. (Time: 10:15 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Joe Jaynes

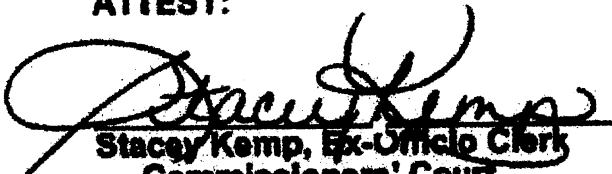
Vote: 4 - 0 Passed

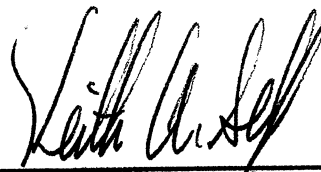
COURT ORDER NO. 2009-1029-12-07

There being no further business of the Court, Commissioner Shaheen adjourned Commissioners Court at 11:27 a.m.



ATTEST:


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



Kelth Self, County Judge



Matt Shaheen, Commissioner, Pct. 1



Jerry Hoagland, Commissioner, Pct. 2



Joe Jaynes, Commissioner, Pct. 3



Kathy Ward, Commissioner, Pct. 4