

STATE OF TEXAS

COMMISSIONERS COURT MINUTES

COUNTY OF COLLIN

FEBRUARY 1, 2010

On Monday, February 1, 2010, the Commissioners Court of Collin County, Texas, met in regular session in the Commissioners Courtroom, Jack Hatchell Collin County 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 Hoagland led the Invocation.
Commissioner Jaynes led the Pledge of Allegiance.
Commissioner Ward 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 9:32 a.m. and convened the meeting of the **Collin County Health Care Foundation Board of Trustees**.

President Self adjourned the meeting of the **Collin County Health Care Foundation Board of Trustees** at 9:24 a.m. and reconvened the meeting of the **Collin County Commissioners Court**.

FYI NOTIFICATION

- 1. AI-31392** Utilization of the State of Texas Cooperative contract (TXMAS No. 8-03FAC040) with DMI Corp to replace the tower fill at the Collin County Central Plant (budgeted), Construction & Projects.
- 2. AI-31363** Utilization of the Houston-Galveston Area Council (HGAC) Cooperative contract to purchase one (1) Brush Chipper for Road and Bridge from Mobark, Inc. and award to the lowest and best bidder (budgeted), Public Works.
- 3. AI-31390** Budget amendment(s)/adjustment(s) totaling \$365,605 (over \$5,000 per c/o 2005-589-08-01), Budget.

ITEM NO. 2 Public Comments.

There were no public comment cards presented to the Court.

ITEM NO. 3 Presentation/Recognition.

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 item 4b1 for discussion and Judge Self pulled item 4e7. Commissioner Hoagland made a motion to approve the remainder of the consent agenda. (Time: 9:32 a.m.)

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

- a. **AI-31386** Disbursements for the period ending January 26, 2010, Auditor.
COURT ORDER NO. 2010-099-02-01

b. Agreement(s):

1. **AI-31383** Engineering Services Agreements with Binkley and Barfield, Inc. for the design of bridges on County Road 408 at Ticky Creek (Bond Project No. 07-108) and County Road 463 at Branch of Sister Grove Creek (Bond Project No. 07-114), budget amendment in the amount of \$110,500 and further authorize the Purchasing Agent to finalize and execute the agreements, Special Projects.

Commissioner Shaheen recognized and thanked Jeff Durham, Special Projects Manager, for saving the taxpayers of Collin County over \$70,000 through negotiations with the contractor, Binkley and Barfield. He then made a motion to approve the item. Commissioner Jaynes had questions of Mr. Durham regarding plans to upgrade County Road 408 from a dirt road. Mr. Durham replied that is part of a bond program; right-of-way is being acquired and will be turned over to Public Works. (Time: 9:34 a.m.)

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

COURT ORDER NO. 2010-100-02-01

c. Amendment(s):

1. **AI-31381** No. 1 to the Interlocal Cooperation contract with the Collin County Community Supervision and Corrections Department (CSCD) to provide

residential beds for persons participating in the Sheriff's Convicted Offender Reentry Effort (S.C.O.R.E) program (Contract No. 09746-09) to add the language "not to exceed" to Section 1.2(A) of the contract and further authorize the County Judge to finalize and execute same, CSCD.

COURT ORDER NO. 2010-101-02-01

d. Change Order(s):

1. **AI-31364** No. 3 for Supplies: Jail and Personal Inmate (IFB No. 03447-09) with Bob Barker Company, Inc. to include the availability of multiple colors for Line Item No. 03447-09-2-76 (Baseball Caps) and further authorize the Purchasing Agent to finalize and execute same (budgeted), Purchasing.

COURT ORDER NO. 2010-102-02-01

e. Miscellaneous

1. **AI-31323** Grant application in the amount of \$223,715 for the Adult Drug Court Discretionary Grant Program with the U.S. Department of Justice, Office of Justice Programs Bureau of Justice Assistance and further authorize the County Judge to finalize and execute the Resolution for same, Auditor.

COURT ORDER NO. 2010-103-02-01

2. **AI-31367** Acceptance of three (3) seized vehicles (per District Court Order No. 199-01389-06, 401-01309-2008 and 380-01825-2008) to be sold at auction, Public Works.

COURT ORDER NO. 2010-104-02-01

3. **AI-31368** Disposal/salvage of units replaced with new vehicles and equipment under the LIRAP grant (per LGC 263.151; Salvage Property) and further allow Red River Truck Repair (an authorized Texas Department of Transportation Salvage Vehicle Dealer) to disable and dispose of the units per requirements of TCEQ (Publication No. RG-464A), Public Works.

COURT ORDER NO. 2010-105-02-01

4. **AI-31371** Implementation Plan for the Texas Heavy-Duty Vehicle Idling Rule, Public Works.

COURT ORDER NO. 2010-106-02-01

5. **AI-31378** Partial road closure (right lanes) of County Roads 105, 132, 134, 135, 175 and 177 on March 14, 2010 to accommodate the Texas High School Cycling League (THSCL) to facilitate a bicycle race, Public Works.

COURT ORDER NO. 2010-107-02-01

6. **AI-31384** Accept the findings of TCEQ audit and utilize clean up services in lieu of financial penalty, Public Works.

COURT ORDER NO. 2010-108-02-01

7. **AI-31380** Reimbursement in the amount of \$5,947.87 to Trinity Trail Preservation Association (TTPA) for expenditures incurred prior to the execution of the Agreement by both parties, Special Projects.

Judge Self wanted to make sure the language of the Court Order reflected \$5,947.87 is part of the \$11,000 approved prior. Jeff Durham, Special Projects Manager, said it is part of what was approved in a previous Commissioners Court meeting and then explained the expenditure. Judge Self made a motion to approve. (Time: 9:35 a.m.)

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

COURT ORDER NO. 2010-109-02-01

GENERAL DISCUSSION

ITEM NO. 5 AI-31290 Update from NCTCOG, Commissioner Precinct 3.

Commissioner Jaynes stated Christy Justice, NCTCOG, was unable to attend today's meeting so he would be presenting the update to the Court. Ms. Justice's presentation will be rescheduled. Commissioner Jaynes said TXDOT ran out of money in October 2009 and "pulled the plug" on all their right-of-way and engineering projects which resulted in an \$86,000,000 shortfall to Collin County. However, Collin County is able to keep projects going because of funds from Highway 121 interest and credits. He next updated the Court the RTC meeting of Thursday, January 28, 2010. Commissioner Jaynes then presented a document for the Court's benefit which was a pie chart showing the distribution of stimulus money that was brought into this area. Discussion followed among Court members. In conclusion, Commissioner Jaynes asked that the Court be updated once a month. (Time: 9:41 a.m.)

NO ACTION TAKEN

ITEM NO. 6 AI-31432 Murphy Road Right-of-Way Acquisition update, County Judge.

James Fisher, City of Murphy Manager, came forward stating this item was placed on the agenda as a result of a meeting last week between Judge Self and Mayor Bret Baldwin regarding North Murphy Road, a project that was started in 2002. The City of Murphy has been working to correct challenges created when they first started acquiring rights-of-way. Mr. Fisher thanked Commissioner Hoagland for his assistance and then informed the Court the City of Murphy has received a Federal Highway Compliance Notice stating they've done their work and they are complete. Mr. Fisher emphasized the City of Murphy is in a sense of urgency due to two new schools and a football stadium opening which will be serviced by a two-lane road. Mr. Fisher also thanked Ruben Delgado,

Engineering, for his support. He then approached the bench and passed a baton to the Commissioners, noting the project now moves to Collin County. Judge Self wanted to know what the City of Murphy needed from the County. Mr. Fisher stated the County needed to acquire rights-of-way off North Murphy Road so the rest of the work can be completed. Mr. Fisher answered questions from Judge Self. Commissioner Hoagland asked Mr. Delgado if he was ready to start acquisition of the rights-of-way. Mr. Delgado replied yes, they have a team ready to go. Judge Self asked Mr. Delgado to invite the City of Murphy when he has meetings with Plano ISD regarding road projects. Mr. Delgado stated they have been doing that and then answered additional questions from Court members. Mr. Fisher again approached the bench and presented the Court with a handout. (Time: 9:50 a.m.)

NO ACTION TAKEN

ITEM NO. 7 AI-31340 The United States Census 2010, Commissioner Precinct 2.

Bob Figuly, Partnership Specialist, and Mary Hall come forward representing the U. S. Census Bureau. A handout had been given to the Court prior to the presentation. A Power Point presentation entitled "Collin County Census Data" was shown. Mr. Figuly and Ms. Hall were present to brief the Court on the importance of the census. Questionnaires will go out to residences in mid-March and it is very important that they be answered in a timely manner. Government allocated funds are based in part on census data. All questionnaires are confidential. The U.S. Constitution mandates that a count be taken every ten years. Mr. Figuly and Ms. Hall answered questions from Court members, including questions of security for people filling out the questionnaires. Neither financial nor social security information is required on the questionnaire. Mr. Figuly was asking the Court for their support in getting the word out to people to fill out their questionnaires and return them in a timely fashion. Commissioner Ward suggested forwarding the videotape of this meeting to all city mayors in Collin County to put on their websites. (Time: 10:12 a.m.)

NO ACTION TAKEN

ITEM NO. 8 AI-31405 Require contractors doing business with Collin County to certify their utilization of E-Verify, Commissioner, Precinct 2.

Commissioner Hoagland asked Bill Bilyeu, Administrative Services, to come forward. Commissioner Hoagland had asked that this item be placed on the agenda as a result of an article in the Dallas Morning News about a local city requiring vendors with which they did business to comply with the e-verifying process. Commissioner Hoagland wanted to help the U.S. government clean up illegal immigration. Mr. Bilyeu stated he spoke to the City of Lewisville and received the packet they use. Frank Ybarbo, Purchasing Agent, stated there is currently a general statement in all Collin County proposals that vendors and contractors have to comply with the Federal Immigration Act. Commissioner

Hoagland stated this would take it a step further and would require vendors to e-verify their employees. Mr. Bilyeu said a statement could be added that in order to do business with Collin County vendors and contractors must use e-verify and meet all requirements of the Immigration and Naturalization Act. This is for new employees only, not existing employees. Mr. Bilyeu continued with his explanation and then answered questions from Commissioner Shaheen. Commissioner Shaheen asked if there was a danger of a false positive. Mr. Bilyeu said the accuracy is about 98%. Commissioner Hoagland stated if people come to this country, they should have to go through the process of doing it legally and he made a motion to incorporate e-verifying into County policy. Commissioner Shaheen liked the idea of putting this item back on the agenda for a future Court after talking to vendors to make sure it won't be a burden to them. Judge Self agreed with Commissioner Shaheen and recommended this item be brought back to a future Court. (Time: 10:21 a.m.)

NO ACTION TAKEN

ITEM NO. 9 AI-31411 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, stated there was one appointment above standard pay grade. This was due to it being a specialty telecom position with a very specialized skill set. Commissioner Hoagland made a motion to approve. (Time: 10:21 a.m.)

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

COURT ORDER NO. 2010-110-02-01

ITEM NO. 10 AI-31412 Personnel Changes, Human Resources

Cynthia Jacobson, Human Resources, stated all changes met standard guidelines. Commissioner Ward made a motion to approve. (Time: 10:22 a.m.)

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

COURT ORDER NO. 2010-111-02-01

ITEM NO. 11 AI-31423 Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen appointed B.J. Bjorklund to the Health Care Advisory Committee. (Time: 10:22 a.m.)

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

Commissioner Ward reappointed Larry Collins and Linda Hess to the Collin County Historical Commission. Commissioner Jaynes made a motion to approve. (Time: 10:22 a.m.)

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

Commissioner Ward appointed David Downs to the Health Care Advisory Committee. Commissioner Jaynes made a motion to approve. (Time: 10:22 a.m.)

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

COURT ORDER NO. 2010-112-02-01

ITEM NO. 12 Possible future agenda items by Commissioners Court without discussion.

Commissioner Jaynes asked Randal Rice, Auditor's Office, if the \$25,000 check for the D.A. has been approved yet. Mr. Rice stated it had been placed on a P card. A discussion followed with Commissioner Shaheen, Mr. Bilyeu and Mr. Ybarbo. Judge Self reminded them that this topic needed to be held for a future agenda item; therefore, it could not be discussed today. (Time: 10:23 a.m.)

EXECUTIVE SESSION

Judge Self recessed Commissioners Court into Executive Session in accordance with Local Government Code 551.071, Legal; and 551.076, Security, at 10:23 a.m. Commissioners Court was reconvened at 11:54 a.m. Commissioner Jaynes was not present.

Legal (551.071)

AI-31408 Personnel mediation, Human Resources.

Commissioner Shaheen made a motion not to accept the settlement recommendation as discussed in Executive Session. (Time: 11:55 a.m.)

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

COURT ORDER NO. 2010-113-02-01

AI-31433 Mediation, Human Resources.

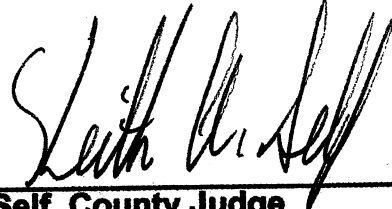
NO ACTION TAKEN

Security (551.076)

AI-31349 Courthouse Security.

NO ACTION TAKEN

There being no further business of the Court, Judge Self adjourned the meeting of the Commissioners Court at 11:55 a.m.



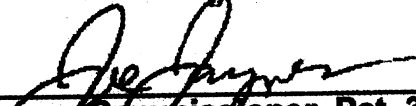
Keith Self, County Judge



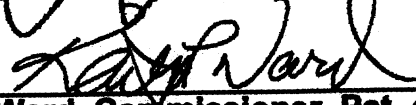
Matt Shaheen, Commissioner, Pct. 1



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, TEXAS