

STATE OF TEXAS

COMMISSIONERS COURT
MEETING MINUTES

COUNTY OF COLLIN

NOVEMBER 8, 2010

On Monday, November 8, 2010, 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 Jaynes led the Invocation.
Commissioner Ward led the Pledge of Allegiance.
Judge Self led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners Court at 9:30 a.m. and recessed into the Collin County Health Care Foundation at 9:45 a.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 9:45 a.m. and adjourned the meeting at 9:53 a.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 9:53 a.m. and adjourned the meeting at 9:53 a.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-32841 Award Psychological Evaluations, Juvenile (RFP No. 05261-10), Juvenile Probation.
2. AI-32837 Budget amendment in the amount of \$4,200 to reallocate funds from the Out of County Sex Offender Program to the Juvenile Probation department for the purchase of two (2) shredding machines.

FYI NOTIFICATION

1. **AI-32853** Change Order No. 6 to Services: Janitorial (Contract No. 01390-08) with James Enterprises to add the Farm Museum restrooms to the contract, Facilities.

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

a. **AI-32839** 35,560 to create the project codes budgets for the FY2011 LEOSE (Law Enforcement Officer Standards and Education) funds.

b. **AI-32811** \$2,733,141 to establish the budget for the FY2011 AirCheck Texas (Fund 014) program.

2. Public Comments.

Roy Serpa, Fairview, said he is very proud of people like Commissioner Hoagland and Judge White. He said it makes you very enthusiastic as a taxpayer of Collin County. He was present to comment on the NTTA discussion. Mr. Serpa congratulated Judge Self for winning his election by such a large margin. He said Judge Self does stand with the taxpayers. He also said he is concerned because he's never heard Judge Self express his views against regionalization. He feels it is a myth and a mischaracterization and he resents it. Mr. Serpa said, secondly, he's not comfortable when one of the Commissioners, particularly his own, submits a proposal without making it public or bringing it to the County Commissioners. He concluded by again thanking Commissioner Hoagland for his years of service. (Time: 9:45 a.m.)

Judge Self recessed the meeting of the Commissioners Court at 9:45 a.m. and convened the meeting of the Health Care Foundation.

3. Presentation/Recognition:

a. Presentation of Service Pins to employees with 10, 15, 20 and 25 years of service in the month of November, Human Resources.

Judge Self stated this item would be heard out of order. He asked Judge Nathan White to come forward to present a 30-year service pin to Commissioner Jerry Hoagland. Judge White said it was a pleasure to make a presentation such as this. Commissioner Hoagland came to the Court 30 years ago but their friendship started 20 years before that. Judge White, Commissioner Hoagland and their wives graduated from Plano High School in 1960. Judge White stated Commissioner Hoagland has been a great asset to Collin County and has been the architect of many great programs and events. The ground the new courthouse and administration building sit on is a tribute to Commissioner Hoagland's vision. Judge White was not in favor of buying 200 acres out in the

country, but Commissioner Hoagland was. Judge White then spoke of some of Commissioner Hoagland's many accomplishments, such as bringing in a professional engineer to head up the Consolidated Road Program and the organization of what is now Collin College. Judge White concluded by saying it is his pleasure to present Commissioner Hoagland with a 30-year pin for distinguished service.

Commissioner Hoagland had some comments. He said Judge White was the first County Judge he served under. There have been four. He said he and Judge White were class officers back in 1960 and have had a long history together. He is very proud of the progress that Collin County has had in the last 30 years. Commissioner Hoagland spoke about the road work that has been completed over the past 30 years as well as purchasing the land for Collin College at \$10,000 per acre. He next addressed Sheriff Terry Box and spoke about implementing a direct supervision jail. Commissioner Hoagland stated he is very proud of the administration building, the courthouse, Pizza Hut Park in Frisco and Collin County Adventure Camp. In conclusion he addressed various department heads and elected officials, saying they have made this place a great place to work. They've brought dignity and honor to the County and he's very proud of all of them. Commissioner Hoagland said he would wear his pin with honor. (Time: 9:37 a.m.)

4. Consent agenda to approve. Judge Self said item 4e1 would be pulled off by the purchasing agent and he pulled item 4h1 for discussion. Commissioner Hoagland made a motion to approve the balance. (Time: 9:54 a.m.)

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

a. **AI-32859** Disbursements for the period ending November 2, 2010, Auditor.
COURT ORDER NO. 2010-912-11-08

b. **AI-32838** Tax refunds totaling \$86,027.02, Tax Assessor Collector.
COURT ORDER NO. 2010-913-11-08

c. Advertisement(s):

1. **AI-32856** Maintenance: Cisco Software and Equipment (RFP No. 10012-11), Information Technology.
COURT ORDER NO. 2010-914-11-08

2. **AI-32857** Professional Services: Surveying (RFQ No. 07301-10), Special Projects.
COURT ORDER NO. 2010-915-11-08

d. Amendment(s):

1. **AI-32829** No. 1 to the Lease of State of Texas Registration and Title System (RTS) Information Resources and Support Agreement for use of the State of Texas Automation Equipment for one (1) additional location (AAA Texas, LLC) for dealers and subcontractors providing registration services and further authorize the County Judge to finalize and execute same, Tax Assessor Collector.

COURT ORDER NO. 2010-916-11-08

2. **AI-32831** No. 4 to Interlocal Agreement for Animal Control Services with the City of Celina to extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of \$20,007, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-917-11-08

3. **AI-32832** No. 4 to Interlocal Agreement for the Facility Construction and Use of Animal Shelter Services with the City of Celina to set the rate for FY2011 and extend the contract for one (1) year through and including September 30, 2011. Payment will be made in quarterly installments for an annual amount of \$12,691, further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-918-11-08

4. **AI-32840** No. 4 to the Interlocal Agreement with the Town of Lavon for Animal Control and Animal Shelter Services to set the FY2011 rate (to be paid in quarterly installment payments for an annual total of \$6,150), extend the agreement for one (1) year through and including September 30, 2011 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2010-919-11-08

e. Change Order(s):

1. **AI-32737** No. 1 to Services: Armored Car (IFB No. 04575-10) with Dunbar Armored, Inc. to extend the contract for one (1) year through and including September 30, 2011 with a 2% price increase to the contract, further authorize the Purchasing Agent to finalize and execute same, Auditor.

PULLED

f. Receive and File, Auditor:

1. Final Audit Result(s):

a. **AI-32822** Animal Shelter (3rd Quarter FY2010).

COURT ORDER NO. 2010-920-11-08

2. 2010 Inventory Audit(s):

a. AI-32819 Central Supply.

COURT ORDER NO. 2010-921-11-08

b. AI-32821 Computer Parts Warehouse.

COURT ORDER NO. 2010-922-11-08

c. AI-32823 Equipment Service Parts.

COURT ORDER NO. 2010-923-11-08

d. AI-32825 Minimum Security Kitchen.

COURT ORDER NO. 2010-924-11-08

e. AI-32824 Quartermaster.

COURT ORDER NO. 2010-925-11-08

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

1. AI-32834 August 30, 2010 Public Hearing.

COURT ORDER NO. 2010-926-11-08

2. AI-32852 October 11, 2010.

COURT ORDER NO. 2010-927-11-08

h. Miscellaneous

1. AI-32810 2008 Grant Adjustment Notice with the Texas Department of Public Safety for the 2008 Homeland Security Grant Program to de-obligate funds in the amount of \$100,000, budget amendment in the amount of \$82,600 and further authorize the County Judge to finalize and execute same, Auditor.

Judge Self asked for an explanation of the figures in this item. Randall Rice, Auditor's Office, came forward and introduced Linda Riggs who manages the grants for his office. Ms. Riggs said the grant awarded was \$130,000. Out of that amount there was to be \$112,000 spent on training. Only \$29,400 was utilized. She said they did a budget amendment to reduce the budget by \$82,600 to bring them down to the original \$29,400. Because they were only spending \$29,400, the funds were released to go back to the State. That brought them down to a

grant of \$30,000 and de-obligating the \$100,000. Judge Self said the bottom line is we used \$29,400. Ms. Riggs said that was right. Judge Self made a motion to approve. (Time: 9:55 a.m.)

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

COURT ORDER NO. 2010-928-11-08

2. **AI-32795** Naming of the Ceremonial Courtroom at the County Courthouse, Commissioner, Precinct 2.

Judge Self said item 4h2 would also be heard out of order. He then asked for a motion for the naming of the Ceremonial Courtroom at the County Courthouse. Commissioner Hoagland made a motion to name the Ceremonial Courtroom after Judge Nathan E. White, Jr.. Commissioner Ward seconded the motion.

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

Following the motion and vote Judge White came forward. Commissioner Hoagland also came forward and said he doesn't know anyone who has had more of an impact on Collin County than Judge Nathan White. He felt recognizing Judge White was the right thing to do. Commissioner Hoagland then read aloud the proclamation naming the Ceremonial Courtroom after Judge White. Judge White thanked the Commissioners for the honor. (Time: 9:43 a.m.)

COURT ORDER NO. 2010-929-11-08

3. **AI-32827** Re-plat of lots 11 and 12 of Hills of Lone Star Phase 2A, Bear Creek, into one lot 11R, Engineering

COURT ORDER NO. 2010-930-11-08

4. **AI-32830** Eagle Scout projects in various locations at Myers Park and Event Center, Special Projects.

COURT ORDER NO. 2010-931-11-08

GENERAL DISCUSSION

5. **AI-32767** Adoption of an order to license and regulate businesses operating as secondary metal recyclers, Administrative Services.

Commissioner Shaheen had asked that this item be delayed. He wanted to make sure they spoke to the metal recyclers out there. Bill Bilyeu, Director of Administrative Services, and Sheriff Terry Box came forward to address this item. Mr. Bilyeu said this was a process the Sheriff had asked to put in place so you

could track where materials that are brought in for metal recycling come from by keeping track of the person by taking their picture and a picture of their license plate. Sheriff Box said they contacted three recyclers in the area and they all agreed it would be an easier way to keep up with the products and do business. Also, the City of McKinney Police Department is going to copy our ordinance when we adopt it and update their ordinance. Commissioner Shaheen said whenever the Court put regulations on corporations, he wanted it to be part of the general discussion so the public can know. He then made a motion to approve. (Time: 9:57 a.m.)

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

COURT ORDER NO. 2010-932-11-08

6. AI-32908 "Potential legislative actions involving County relationship with NTTA" from the November 1st court agenda, Commissioner, Precinct 1.

Commissioner Shaheen wanted to clear up comments and accusations that were made that the Commissioners Court broke the law by violating the Open Meetings Act by going into Executive Session at last Monday's meeting. He wanted it noted that that was not the case. They were told before Commissioners Court that the Executive Session was legal. Commissioner Shaheen read aloud from a letter from attorney Greg Hudson which says the Executive Session was legal and in strict compliance with the Texas Open Meetings Act. Additionally Commissioner Shaheen read a statement from the Attorney General's Handbook: "The Attorney General has concluded that a governing body may meet with an attorney to receive legal advice on any matter." Commissioner Shaheen said he wanted to make it clear to the citizens that accusations were made that they violated the law, and that is not true.

Commissioner Jaynes said this letter is appropriate for what was discussed in Executive Session, but it's his belief that that was not the original intention for going into Executive Session. Commissioner Shaheen said they were told before going into Executive Session that what they were going to do was legal. Commissioner Jaynes said that same attorney said he was nervous about it, and when Commissioner Jaynes said he wasn't attending, the attorney said he didn't blame him. Commissioner Ward stated information that Judge Self gave to Court members was not given to them in Executive Session. She said there were rumors that the Commissioners were shown a slide show presentation but they did not get this handout until they returned to Court. Commissioner Shaheen said if any Court member feels uncomfortable about attending Executive Session, he respects their decision not to attend. He added what he objects to is sending out an email with a link saying "watch the Commissioners Court violate the Open Meetings Act". Commissioner Jaynes disagreed, saying we need to keep this as transparent as possible. Judge Self said the lawyer gave them the

actual language for the agenda item. Commissioner Hoagland asked if they were taking action. Commissioner Shaheen said no; the handout will be discussed under item 10a. Commissioner Hoagland wanted it noted he was not present at last Monday's meeting. (Time: 10:00 a.m.)

NO ACTION TAKEN

7. AI-32869 Personnel Appointments, Human Resources.

Cynthia Jacobson, Director of Human Resources, stated all appointments were at the beginning of the pay grade. Commissioner Ward made a motion to approve. (Time: 10:01 a.m.)

Motion by: Commissioner Kathy Ward

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-933-11-08

8. AI-32870 Personnel Changes, Human Resources.

Cynthia Jacobson, Director of Human Resources, said the only change was a lateral transfer. There is no pay raise associated with it. Commissioner Hoagland made a motion to approve. (Time: 10:01 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Kathy Ward

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-934-11-08

9. AI-32876 Board/Committee Appointments, Commissioners Court.

Commissioner Ward made a motion to re-appoint Gerald Vokolek to the Planning Board. (Time: 10:02 a.m.)

Motion by: Commissioner Kathy Ward

Second by: Commissioner Matt Shaheen

Vote: 5 - 0 Passed

Commissioner Hoagland appointed Mike Holmes, Mayor of Josephine, to the NETEX (Northeast Texas Rural Rail Transportation) District Board to replace Commissioner Jaynes. (Time: 10:02 a.m.)

Motion by: Commissioner Jerry Hoagland

Second by: Commissioner Joe Jaynes

Vote: 5 - 0 Passed

COURT ORDER NO. 2010-935-11-08

10. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion of legislative priorities

Judge Self asked Mr. Bilyeu to come forward and update the Court on the list of proposed legislative issues. He asked Mr. Bilyeu how we were doing with the language of the proposals and finding sponsors and allies. Mr. Bilyeu addressed each item on the list. He said Representative Laubenberg is working on the language for item number one and she has worked with counsel on that. He said there was nothing to report on numbers 2 or 3. Mr. Bilyeu said for number four, he has not heard from a state representative or senator. He then skipped down to number nine. He said he has spoken multiple times and the County's counsel has spoken several times to Representative Taylor's office. His legislative director is having a bill drafted in conjunction with the County's counsel to fit the request for number nine. Mr. Bilyeu said regarding the other items, he has put calls out to the state representatives and state senators asking for assistance, and he has spoken to Judge Self about following up and calling them individually.

Judge Self said if there are any we think we need to press, we need to figure out how we're going to get people to help with them. Commissioner Shaheen said he's meeting November 18th with the Conference of Urban Counties so he'll be taking this down there. Commissioner Jaynes was concerned about redistricting. He said he's heard that McKinney, Frisco and Allen may be put into another state senatorial district. He thinks all of Collin County should be in the same state senatorial district. Judge Self said there is work to do if this is important to us; we have to keep up the phones calls to our legislators and CUC.

Judge Self moved to the handout presented after Court last week. He said he's not sure that this is not a solution looking for a problem to solve. He said the state law is about right for counties to have some say so in future roads. Judge Self said given the fact that the ball was thrown into our court in order to come up with language, this is one idea. He tried to capture all of the ideas the Court has heard. He wants to know when the clock ought to start for situation one, economic development project; or situation two, which is when we actually need the facility. He thinks the County ought to maintain the authority to start the clock. He said he left TxDOT out; it's strictly County NTTA verbiage. He opened it up for discussion. Commissioner Hoagland said we've already expended money on the outer loop. Judge Self said this is a more generic policy statement that we would ask somebody to turn into legislative language. Commissioner Shaheen referred to 2d, regarding primacy. He said he's communicated many times, as well as his colleagues, with the NTTA that they have a desire to get together with the NTTA and agree upon language for the legislative session next year. Judge Self said he doesn't think that's coming.

Commissioner Jaynes said he appreciated the proposal. He said let's go ahead and agree on a proposal. He suggested working on getting our own legislation together and getting it over to them to see what they think about it. Judge Self said these are simply concepts that a legislative writer would have to turn into law. He thinks Greg Hudson could do that for us and he has offered to do that for us. Commissioner Jaynes preferred that Mr. Shepherd do it since he is the Court's attorney for the Tollway Authority. Judge Self said that was fine. The rest of the Commissioners agreed it was a great idea.

Judge Self asked if there was anything else. Commissioner Hoagland said he wanted to make a general comment. He thought the Court needed to have two working Commissioners to ride herd over all these agenda items they will have down there. Judge Self thought it would be all hands on deck. Commissioner Ward agreed, adding not only will you have to look at things you support and want to get behind, but you have to look for the stuff that creeps up in County affairs. Judge Self asked Mr. Bilyeu who does our legislative following now. Mr. Bilyeu said they used to track it through the Budget Department but then found out that CUC was closer to it and gave them a closer synopsis. Commissioner Hoagland thought Commissioner Shaheen would be good because he's the CUC liaison. Commissioner Jaynes agreed with the Judge, it should be all hands on deck. Commissioner Ward also agreed, CUC does follow items that are important to us, but if it's something for Dallas or the area, that won't come up on their radar. Commissioner Jaynes said we needed to be on an unfunded mandate watch. Judge Self concluded by saying it would be a major effort this year. (Time: 10:14 a.m.)

NO ACTION TAKEN

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

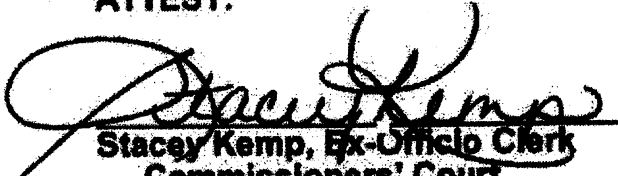
Judge Self asked if there were any future agenda items. Hearing none, the meeting was adjourned.

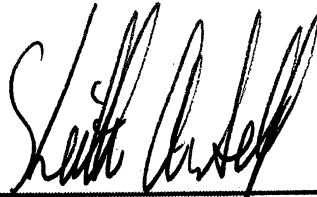
EXECUTIVE SESSION

There being no reason to recess into Executive Session and no further business of the Court, the meeting was adjourned at 10:15 a.m.

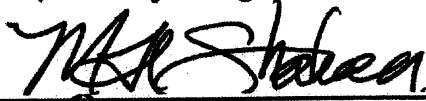


ATTEST:


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

Not Present

Kathy Ward, Commissioner, Pct. 4