

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 20, 2010

On Monday, December 20, 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:

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 of Allegiance to the Texas Flag.

Judge Self called to order the meeting of the Collin County Commissioners Court at 6:01 p.m. and recessed into the Collin County Health Care Foundation.

President Self called to order the meeting of the Collin County Health Care Foundation at 6:07 p.m. and adjourned the meeting at 6:07 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 6:07 p.m. and adjourned the meeting at 6:08 p.m.

Judge Self reconvened the meeting of the Collin County Commissioners Court at 6:08 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-33078 Personnel Appointments, Human Resources.
2. AI-33079 Personnel Changes, Human Resources.
3. AI-33033 Budget amendment in the amount of \$1,000 to reallocate funds to the appropriate line items for the purchase of a scanner for the Juvenile Detention department, Auditor.

FYI NOTIFICATION

1. **AI-33053** Addendum No. 1 to Maintenance: Cisco Software & Equipment (RFP No. 10012-11) to make various changes to the Request for Proposal and extend the due date by one (1) week, Purchasing.
2. **AI-33039** Change Order No. 5 to Construction, Building: Juvenile Alternative Education Building and Juvenile Probation (CPS No. 11267-09) with Crossland Construction Company to make various changes to the contract (previously approved by the County Administrator per Court Order No. 2007-180-02-27), Construction & Projects.
3. **AI-33035** Utilization of the Houston-Galveston Area Council (HGAC) cooperative contract to purchase a generator from Loftin Equipment Co., Purchasing.
4. **AI-33063** FY2010 Year-End Adjustments to Revenue Estimates, Auditor.
5. **AI-33034** Budget amendment(s)/adjustment(s) totaling \$350,000 (over \$5,000 per c/o 2005-589-08-01), Budget.

2. Public Comments. Roy Serpa, Fairview, came forward. Mr. Serpa first wished the Court members a Merry Christmas and Happy New Year. Mr. Serpa thanked Commissioner Ward for her service and Commissioner Hoagland for his 30 years on the Court and his vision for the county that he was able to bring to fruition. Mr. Serpa then expressed his disappointment with the approval of a cost of living increase which he thinks is inappropriate and saddles the tax payer with an untimely and unnecessary burden. (Time: 6:04 p.m.)

3. Presentation/Recognition:

a. AI-33030 Check in the amount of \$33,941 to the Collin County Children's Advocacy Center, Budget.

Commissioner Ward presented a check to Lynn McLean, Collin County Children's Advocacy Center. Ms. McLean gave brief comments regarding the services the Advocacy Center provides to abused and neglected children in Collin County. (Time: 6:06 p.m.)

4. Consent agenda to approve: Judge Self asked for any comments on the consent agenda. Commissioner Shaheen requested item 4b1 be pulled for discussion. There being no further comments, a motion was made to approve the consent agenda.
(Time: 6:08 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 5 – 0 Passed

a. **AI-33058** Disbursements for the period ending December 14, 2010, Auditor.

COURT ORDER NO. 2010-1033-12-10

b. **Agreement(s):**

1. **AI-32977** Grant exemption from the competitive bidding process as a sole source per VTCA Local Government Code 262-024(a)(7), utilization of The Cooperative Purchasing Network (TCPN) contract to enter into a Services Agreement with Knowledge Computing Corporation for CopLINK System services and further authorize the County Judge to finalize and execute same, Homeland Security.

Commissioner Shaheen opened the discussion by reminding the Court and audience that whenever a vendor is exempted from the bid process an explanation should be given to the public. Commissioner Shaheen asked for additional information regarding the agreement. Kelley Stone, Homeland Security, came forward to answer the questions. There are two important factors of the project; utilization of current software applications and connecting with major urban areas through their fusion centers which include Austin, El Paso, Houston and San Antonio. All are using CopLINK. The system will enable a method of sharing data between the fusion centers. The data consists of Law Enforcement information, records management systems and jail management systems. Commissioner Shaheen's concern is that I.T. (Information Technology) does not have the resources to support the system and that the county would spend the money to implement CopLINK only to have to do it again when Thetus is implemented. Caren Skipworth, Director of I.T., was asked to come forward. Ms. Skipworth informed the Court the agreement with CopLINK is very strict on what I.T. and Homeland Security had to complete before they (CopLINK) would implement the project. Ms. Skipworth told the vendor very specifically that the county did not have the resources or the experience to complete the requirements; therefore the agreement would have to be changed to have CopLINK performing the majority of the implementation. Extensive discussion regarding how to proceed with the project followed. Commissioner Shaheen asked Mr. Stone if Law Enforcement could currently access his department's 82 databases without CopLINK. Mr. Stone replied they could, they just do not have some of the capability they would like; there are tools the analysts can benefit from as well as the ability to share with other fusion centers across the State.

Ms. Skipworth expressed her concerns of her lack of resources and the need for a certified DBA (Database Administrator). She is working with Mr. Bilyeu and Mr. Stone to try and obtain a contract DBA with grant funding. Judge Self asked for Ms. Skipworth's recommendation. Ms. Skipworth replied they would do their best; she would have to consult with Mr. Bilyeu to see what projects could be delayed.

Judge Self asked Bill Bilyeu, County Administrator, if he recommended this project. Mr. Bilyeu came forward to say if it was agreed to drop some of the other projects. I.T. only had a certain capacity and projects have already been scheduled. Projects that could be dropped included credit card payments, ERP (Enterprise Resource Planning), Facilities, and Public Works which was just approved in the last court. Mr. Stone informed the Court that it is not critical to have the project completed by February 6, 2011, but it is very important to move forward even at a later date. After extensive discussion a motion was made to approve the item. Commissioner Jaynes made a second with the understanding that it could not interfere with any other county project already scheduled. The motion was clarified to include other county projects could not be negatively impacted by the project. (Time: 6:37 p.m.)

COURT ORDER NO. 2010-1034-12-10

2. **AI-33042** Interlocal Agreement with City of Dallas, Denton County, DFW Airport and Texas Department of Public Safety (DPS) for the use of a Command and Control Radio Communications System (supersedes Court Order 2010-626-08-23) and further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2010-1035-12-10

3. **AI-33048** Memorandum of Understanding with The United States Office of the Army, Army Corps of Engineering Lavon Lake and the Collin County Sheriff's Office to facilitate effective and efficient management of communication networks and the objectives of the agreement, further authorize the County Judge to finalize and execute same, Sheriff.

COURT ORDER NO. 2010-1036-12-10

Supplemental Agenda Item:

4. **AI-33096** Acknowledgement and consent for assignment of Tax Abatement Agreement, City of Frisco Reinvestment Zone No. 3, County Judge.

COURT ORDER NO. 2010-1037-12-10

c. Amendment(s):

1. **AI-33009** Amendment to the contract with the Department of State Health Services (DSHS) for Program Attachment No. 001 to Contract No. 2010-035576, Amendment No. 001A: CPS/CRI Cities Readiness for the provision of prophylactic medication, Homeland Security.

COURT ORDER NO. 2010-1038-12-10

d. Change Order(s):

1. **AI-33047** No. 1 to Construction, Bridge, CR 463 over Sister Grove (IFB No. 07300-10) with Jeske Construction Co. to relocate a 6" water line, further authorize the Purchasing Agent to finalize and execute same, Special Projects.

COURT ORDER NO. 2010-1039-12-10

2. **AI-33050** No. 6 to Construction, Building: Juvenile Alternative Education Building and Juvenile Probation (CSP No. 11267-09) with Crossland Construction Company, Inc. to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction Projects.

COURT ORDER NO. 2010-1040-12-10

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

1. **AI-33061** \$5,109,698 to reallocate funds to cover FY2010 negative balances, Auditor.

COURT ORDER NO. 2010-1041-12-10

f. Miscellaneous

1. **AI-33052** Mileage rate adjustment from \$0.50 to \$0.51 per mile effective January 1, 2011 per IRS, Auditor.

COURT ORDER NO. 2010-1042-12-10

2. **AI-33054** Utilization of the Bloomdale Courthouse for the Collin County Bar Association's Mock Trial Competition on May 13, 2011 from 8:00 a.m. to 5:00 p.m. and May 14, 2011 from 8:00 a.m. to 3:00 p.m. the Bar Association has agreed to pay for security on Saturday, May 14, 2011, further request waiver of fees and insurance, Facilities.

COURT ORDER NO. 2010-1043-12-10

3. **AI-33032** Accept the donation of a 26" Vizio HDTV from Big Lot's Inc. to be used by the Sheriff's Office Patrol Division for training purposes, Sheriff.

COURT ORDER NO. 2010-1044-12-10

GENERAL DISCUSSION

5. **AI-33057** Tax Abatement Agreement with the City of Plano, Encana Oil & Gas (USA) Inc. and KDC Legacy North Investments One, LP, Reinvestment Zone No. 124, City of Plano.

John Castro, Maximus Alliance, came forward to provide a brief outline of the agreement and answer questions from the Court. The project is a proposed 300,000 square foot new construction facility that will be built in Legacy Park. The project cost will be \$70 million for real property improvements located on six (6) acres and the business personal property that will be incorporated will be valued at approximately \$18 million. The project will create 510 new jobs. Estimated completion is mid 2012 with the move in complete in 2013. Commissioner Shaheen questioned whether the abatement would be reduced if they did not meet the new job projection. Mr. Castro replied at least 75% of the jobs have to be met, if not they will have 180 days to meet the requirement or the future abatement will be diminished. Brief discussion followed. Motion to approve agreement as submitted. Commissioner Hoagland gave comments regarding the county approving tax abatements. He recommends the county get an economic verification or analysis prior to approval. (Time: 6:42 p.m.)

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

COURT ORDER NO. 2010-1045-12-10

6. **AI-33060** Myers Park and Event Center update, Myers Park.

Judy Florence, Myers Park, presented the Court with an update which consisted of a power point presentation of the improvements made to the Park and Event Center. These improvements included a new ramp at the office, paint, stain and sealer on various areas around the park, electrical and water hook ups for RVs (Recreational Vehicles) and several new doors. Repairs were made to the bathrooms at the show barn and to concrete on several areas around the Park and Event Center. Additionally a new P.A. (Public Announcement) system was added to the show barn as well as much needed repairs to various areas around the show arena. A rain water harvesting system with storage tanks was installed as well as a perennial research garden. A brief discussion with Court members regarding the improvements and repairs followed. (Time: 6:48 p.m.)

NO ACTION TAKEN

7. **AI-32914** Reimbursement of FY2010 travel expenses, Justice of the Peace, Precinct 2.

Monika Arris, Budget, came forward saying the Justice of the Peace court overspent on their budget due to another position being transferred.

This included the personnel budget and training budget. Jeff May gave comments regarding the travel and training expenditures. There is no other money in the budget to pay the expenses. The request is to move funds from the general fund. Another alternative would be to ask Judge Douglas to pay the expenses from his personal funds. Commissioner Shaheen asked if the Court could reduce the department's FY 2011 budget. Discussion among the Auditor and the Court regarding whether reducing the budget is allowed. Judge Douglas agreed to spend less in FY 2011 in order to pay the expense and included a memo with the agenda request. Discussion whether to require a signed document or to accept the memo submitted with the request. Motion to accept submitted memo stating the JP2 Court would decrease their FY 2011 budget voluntarily. (Time: 6:57 p.m.)

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

8. AI-33080 Personnel Appointments, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding the appointment of new employees. Ms. Jacobson informed the Court all appointments follow standard guidelines with the exception of seven (7) who have been hired by the incoming District Attorney. Standard processes were followed for those who are re-hires; other individuals (four) are coming in at or near the mid-range and they have extensive qualifications. Ms. Jacobson has spoken with the District Attorney who is aware the standard practice for new appointments, is the beginning of the pay range. Motion to approve personnel appointments. (Time: 6:59 p.m.)

Motion by: Commissioner Joe Jaynes
Second by: Commissioner Jerry Hoagland
Vote: 5 – 0 Passed

COURT ORDER NO. 2010-1046-12-10

9. AI-33081 Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding personnel changes. Ms. Jacobson informed the Court all changes follow standard guidelines; however, because certain positions in the District Attorney's Office will not be vacant until after December 31, 2010 she had to place some employees in vacant positions as a placeholder until the position they would actually fill was available. Ms. Jacobson provided the court with a spreadsheet of the changes that included the matrix of the position moves.

Commissioner Shaheen asked for a better understanding of the changes. Ms. Jacobson explained that some of the staff in the current District Attorney's office will not continue under the new administration; however, the positions they are filling will not be vacant until after December 31, 2010. Since the new District Attorney wants to have a full staff before he takes office, HR placed his staff in positions that are currently available so they could begin on the first business day of the New Year. On the beginning of the next pay period, HR will move those individuals to their correct positions. All changes are within the county's standard and have been clearly documented; the spreadsheet with the matrix of the changes has been attached to the court minutes. Motion to approve changes as submitted. (Time: 7:03 p.m.)

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

COURT ORDER NO. 2010-1047-12-10

10. AI-33082 Board/Committee Appointments, Commissioners Court.

NO ACTION TAKEN

11. Potential 82nd Legislative items, Commissioners Court:

a. AI-31816 Discussion of legislative priorities

Judge Self opened the discussion informing the court and audience that the county is on the meeting agenda of the NTTA (North Texas Tollway Authority) Board which is scheduled for Tuesday, December 21, 2010. The NTTA has pre-filed SB (Senate Bill) 163 which contains language that the NTTA will be seeking absolute primacy at the exclusion of the county. Collin County offered language that relinquished some of the county's rights under State law to offer the NTTA first option to build toll roads in Collin County, but reserved a timing issue that allowed the county to pick up a project if the NTTA could not. The county has not yet heard back from the NTTA since the language was submitted. Judge Self asked that Bill Moore, Collin County Appointee to the NTTA Board, give more information to the Court. Mr. Moore came forward with comments to Commissioners Ward and Hoagland and thanked them for their service to Collin County. Mr. Moore then addressed the Court's concern with the language in SB 163. He informed the Court they were not being ignored; the language was being discussed and had become tangled in other discussions the Board was having and have not been resolved. The Board has not yet finalized the legislative language. The bill is a placeholder and though it does say the NTTA would have primacy for toll road projects in the region the end of that paragraph states, with the exception if the county or NTTA enter into a written agreement over how the project might be handled. As the language is finalized the Board will have discussion with the Court.

Commissioner Shaheen replied that there is no question the NTTA has been a benefit to Collin County; the concern they want to address is the language the NTTA is trying to introduce. Commissioner Shaheen read a portion of the bill aloud so the public could understand why the Court is concerned; it goes as follows *"...a local governmental entity may not own, construct, maintain, or operate a turnpike project or other toll project.....in a county that is part of an authority unless the local governmental entity and the authority enter into a written agreement....."* Commissioner Shaheen continued saying this is more than primacy; it is taking away Collin County's ability to control its future. The objection is not with the NTTA having primacy and right of first refusal. Commissioner Shaheen wants to come to an agreement that if the NTTA cannot support Collin County as they have in the past, then the County would have the ability to step in and control their own future. The language being introduced is contrary to that request which is the issue that needs to be resolved. Judge Self called the legislative language extremely strong; it is filed in the Senate not just distributed. He asked that Mr. Moore take the Court's concerns back to the Board in tomorrow's meeting.

James McCarley, Legislative Consultant for the NTTA, came forward to address the Court's concerns. Mr. Carley is a legislative expert and informed the Court the language is what was placed in legislation several sessions ago when the Regional Mobility issue surfaced. He explained that during that session, the NTTA and DART (Dallas Area Transit Authority) asked that language was in place to address concerns because they are based on system financing; the system is depended upon to carry the load. The language basically says that before an agency can begin a project, they must come to a written agreement with the agency that was there first. Extensive discussion regarding the introduced language and the County's concerns followed.
(Time: 7:23 p.m.)

Commissioner Jaynes gave comments saying the county has done a good job on being proactive on some of the changes they would like to see; he has been going through the bills that have been filed and recommended the Court be just as proactive in seeing what is being filed that could harm the County. Currently there is SB 170 that allows the State to set rates for indigent defense as well as how the County will report. There is also a House Joint Resolution for a Local Option Election that suggests setting up a Metropolitan Government which has counties merging with other local governments. Commissioner Jaynes wants to educate the citizens about Local Options and inform them that whenever an election takes place it costs the County and tax payers as much as \$500,000 for each election. He is following the bills to make sure there are no surprises in 2011. Commissioner Jaynes has several bills that need to be followed, but tonight brought three to the Court's attention, SB 170 that allows the State to set rates for indigent defense, HB (House Bill) 40 which is collective bargaining for Police and Fire Fighters and House Joint Resolution 44 which suggests a Metropolitan Government. A brief discussion followed. (Time: 7:27 p.m.)

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

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Commissioners' Court, Judge Self adjourned the meeting at 7:27 p.m.



Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Not Present

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners Court
Collin County, T E X A S