COURT ORDER NO. 2009-969-11-16

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 26, 2009

On Monday, October 26, 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
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.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-30938 Budget amendment in the amount of $15,000 to reallocate existing budgeted funds for the FY2010 Juvenile Probation Fund 018 to establish a budget for the FY2010 janitorial supplies, Auditor.

FYI NOTIFICATION

1. AI-30929 Budget amendment in the amount of $234,788 to establish the budget for the 2009 Justice Assistance Grant (JAG) Recovery Act, Auditor.

2. AI-30928 Utilization of the Houston-Galveston Area Council (HGAC) Cooperative contract to purchase one (1) John Deere (model 6430) mowing tractor with a Tiger TRB50C boom mower for Road and Bridge and award to John Deere (budgeted), Public Works.

3. AI-31007 Notification by the North Texas Tollway Authority (NTTA) Board of the consideration to issue bonds to finance capital improvements, enlargements and extensions to the turnpike projects constituting the North Texas Tollway Authority System, County Judge.

Commissioner Jaynes for clarification on the locations named in the memo from the NTTA and asked if these were specific projects and what is the time table, if any on the exchange at the Dallas North Tollway (DNT) and SH 121.

Ruben Delgado, Engineering, approached saying he was not familiar with this particular bond sale, but would find out. Mr. Delgado continued by saying his conjecture on the exchange was the year 2012. Judge Self commented that this was section five and it was scheduled for January 2012. (Time 9:38 a.m.).

1. Judge Self called the **Collin County Commissioners Court** meeting to order at 9:32 a.m.

2. Public Comments.

Roy Serpa, Fairview, approached to give comments to the Court regarding the Court's objectives for the year. Mr. Serpa stated that in a previous session the Court announced they would set three or four objectives they wanted to accomplish. Mr. Serpa said he had not seen any of these objectives yet and told the Court if they are going to set objectives, they needed to do it soon. (Time 9:36 a.m.).

Ryan Dry, Parks Foundation Advisory Board, approached to inform the Court that he would be available to answer questions if needed regarding agenda items for the Regional Trail Plan and the Open Space Project. (Time 9:36 a.m.).

Mike Simpson, Former Mayor of Frisco, approached to say he also was available to answer any questions the Court may have regarding the Open Space Project. (Time 9:36 a.m.).

3. AI-31010 Recognition of the 17th Annual Sheriff Box Shoot-Out "Fore" Kids 9 to 90 Golf Tournament, Commissioner - Precinct 4.

Judge Self acknowledged Sherriff Box for his annual golf tournament which benefits the Collin County Children's Advocacy Center, the Collin County Geriatric Wellness Center, the Heard Museum and the Collin County Boys and Girls Club. This year CASA (Court Appointed Special Advocates) also benefitted. The tournament raised enough funds to give each charity a check in the amount of $27,000. Sheriff Box stated that in the 17 years of the tournament a total of $917,000 has been raised for Collin County Charities. (Time 9:34 a.m.).

4. Consent agenda to approve: Judge Self asked if any member of the Court or any member of the audience had an item they would like pulled from the consent agenda for individual consideration. Commissioner Jaynes requested item FYI 3, Commissioner Hoagland requested items 4e4 and 4i3, Judge Self requested item 4c1 and Commissioner Shaheen requested item 4e1. Motion to approve remainder of consent agenda. (Time 9:37 a.m.).

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

a. AI-30994 Disbursements for the period ending October 20, 2009, Auditor.

COURT ORDER NO. 2009-885-10-26

b. **AI-30949** Tax Refunds totaling $125,243.98, Tax Assessor Collector.

COURT ORDER NO. 2009-886-10-26

c. Award**(s):**

1. **AI-30838** Breaker Replacement, Justice Center, Lower Level B (IFB No. 06679-09) to RTS Enterprises, Inc., Construction & Projects.

Judge Self asked Bill Burke for an explanation why the low bidder was not chosen. Bill Burke, Construction and Projects, approached in response saying the low bidder was not up to the specifications therefore the next lowest bidder was chosen as they were the most qualified. Judge Self clarified that the lowest bidder did not meet the criteria. Mr. Burke said that was correct. Motion to approve. (Time 9:39 a.m.).

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

COURT ORDER NO. 2009-887-10-26

2. **AI-30957** Engineering Services: Geotechnical and Materials Testing for Building Construction (RFQ No. 04574-09), Construction & Projects.

COURT ORDER NO. 2009-888-10-26

d. Agreement(s):

1. **AI-30991** Interlocal Agreement with the Historical Society (North Texas History Museum) for a one-time payment of $32,000 to discover, preserve and share North Texas heritage with present and future generations through its museums and programs and further authorize the County Judge to finalize and execute same (budgeted), Budget.

COURT ORDER NO. 2009-889-10-26

2. **AI-30924** Interlocal Agreement with the City of Plano for the widening and extension of Rasor Rd. from Ohio Dr. to SH 121 - Bond Project No. 03-063 (County's Portion NTE $1,328,717); re-allocate funds from Bond Project No. 03-054 to No. 03-063 for a budget amendment in the amount of $278,717 and further authorize the County Judge to finalize and execute same, Engineering.

COURT ORDER NO. 2009-890-10-26

3. **AI-30960** 2009 Sub-Recipient Agreement and acceptance of the grant funds for the 2009 Homeland Security Grant Program from the Texas Division of Emergency Management in the amount of $361,422.59, further authorize the County Judge to finalize and execute the same, Homeland Security.

COURT ORDER NO. 2009-891-10-26

4. **AI-30962** Agreement with Texas NICUSA, LLC for Electronic Filing of Documents for Courts effective January 1, 2010 through and including December 31, 2010 and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2009-892-10-26

5. **AI-30814** Interlocal Cooperation Agreement with the City of Nevada for participation in the Collin County Recycling Program and further authorize the County Judge to finalize and execute same (budgeted), Public Works.

COURT ORDER NO. 2009-893-10-26

e. Amendment(s):

1. **AI-30965** No.1 to Maintenance Services Agreement: Fusion System Operation and Maintenance (Agreement No. 11226-09) with ADB Consulting to extend the contract through and including September 30, 2010 and further authorize the Purchasing Agent to finalize and execute same, Homeland Security.

Commissioner Shaheen asked Kelley Stone if they could document the code and any other relevant information regarding maintaining and enhancing the Fusion System so that should there be a different vendor in the future, the County would have the necessary information for a new vendor or to be able to manage it internally. Kelley Stone, Homeland Security, approached in response saying documentation was a part of the plans for the coming year. Motion to approve. (Time 9:40 a.m.).

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

COURT ORDER NO. 2009-894-10-26

2. **AI-30963** No. 1 to Texas Online E-Filing Services with Texas NICUSA, LLC (Contract No. 01385-09) to add the Justice of the Peace Courts to the contract and further authorize they Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2009-895-10-26

3. **AI-30930** No. 1 to the Lease of State of Texas Registration and Title System (RTS) Information Resources and Support for the use of State of Texas Automation Equipment to add equipment for one additional location (VODVT MOTORS LIMITED PARTNERSHIP, dba Volvo of Dallas) to the existing lease for equipment, further authorize the County Judge to finalize and execute same, Tax Assessor Collector.

COURT ORDER NO. 2009-896-10-26

4. **AI-30978** No. 2 to the lease agreement with John Cooper for property located at 406 Raymond Street, Suite A, Farmersville, TX to extend the lease for five years through and including November 30, 2014 for a monthly rate of $1,500.00, further authorize the County Judge to finalize and execute same, Construction & Projects.

Commissioner Hoagland made the clarification that the property being leased is a Justice of the Peace office. Motion to approve. (Time 9:40 a.m.).

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

COURT ORDER NO. 2009-897-10-26

5. **AI-30903** No. 2 to Engineering Services for SH 289 from US 380 to Business 289 in Celina (AGR No. 05541-08) with Lockwood, Andrews and Newnam, Inc. to complete an ICI analysis (per new guidelines published by the Texas Department of Transportation) and complete the Environmental Assessment document, budget amendment in the amount of $49,288 and further authorize the Purchasing Agent to finalize and execute same, Engineering.

COURT ORDER NO. 2009-898-10-26

6. **AI-30961** No. 2 to the Techshare Resource Sharing Addendum for the Common Integrated Justice System (CIJS) (Contract No. 01318-09) with Texas Conference of Urban Counties (CUC) for FY10 anticipated payments for license fees, maintenance and contract administration, further authorize County Judge to finalize and execute same, Information Technology.

COURT ORDER NO. 2009-899-10-26

f. Change Order(s):

1. **AI-30972** No. 1 to Supplies: Jail and Personal Inmate (IFB No. 03447-09) with American Textiles Systems to delete various items from the contract and further authorize the Purchasing Agent to finalize and execute same, Sheriff.

COURT ORDER NO. 2009-900-10-26

g. Receive and File, Auditor:

1. **AI-30918** Fee and Commissioners Report for July 2009.

COURT ORDER NO. 2009-901-10-26

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

1. **AI-30983** October 12, 2009.

COURT ORDER NO. 2009-902-10-26

i. Miscellaneous

1. AI-31001 Sale of Struck Off Property located at 301 S. Arkansas Street, Celina, Texas to Ursalene Davis and further authorize the County Judge to finalize and execute the associated documents, Administrative Services.

COURT ORDER NO. 2009-903-10-26

2. AI-30870 Amended Resolution for the JAG (Justice Assistance Grant) 2010 Stimulus project and further authorize the County Judge to finalize and execute same, Auditor.

COURT ORDER NO. 2009-904-10-26

3. AI-30971 Scope of Work and fee proposal from Halff and Associates, Inc. to replace the galvanized domestic water piping in the Justice Center and budget amendment in the amount of $1,568,717 for same, Construction & Projects.

Commissioner Hoagland asked Bill Burke for more information regarding the need for replacing the pipes. Bill Burke, Construction and Projects, approached to answer the Commissioner's questions. Mr. Burke said during the budget process the Court was shown a section of pipe that had corrosion and would need replacement. Commissioner Hoagland asked if this was under warranty. Mr. Burke stated that typically only labor is warranted, and that was for only one year. He also said that there are legal avenues they could take against a contractor; however, that method had to be used within 10 years and the County was past that time period. Commissioner Hoagland then asked where this was located. Mr. Burke stated the Jail and Central Plant. Motion to approve. Before the vote was taken, Commissioner Shaheen commended Mr. Burke for setting benchmarks for competitive Engineering costs and his diligence in saving tax payer dollars. (Time 9:42 a.m.).

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

COURT ORDER NO. 2009-905-10-26

4. AI-30968 Authorization to make an optional contribution to the County's account in the Subdivision Accumulation Fund in the amount of $1,130,000 and budget amendment for same, Human Resources.

COURT ORDER NO. 2009-906-10-26

5. AI-30973 Addition of a representative to the Court Technology Committee from the City of Plano Police Department to be compliant with HB2730 section 60.10 to establish a Local Data Advisory Board by November 1, 2009, Information Technology.

COURT ORDER NO. 2009-907-10-26

6. AI-30932 Declare property as surplus, authorize additions and/or deletions to the list as deemed necessary, authorize Purchasing Agent to sell same via on-line auction and advertise for same, Purchasing.

COURT ORDER NO. 2009-908-10-26

7. **AI-30931** Deposit the net proceeds totaling $81,558.21 from the Collin County On-Line Auction held on August 26, 2009 per Local Government Code 263.156, Purchasing.

COURT ORDER NO. 2009-909-10-26

8. **AI-30970** Certified Tax Roll for 2009, Tax Assessor Collector.

COURT ORDER NO. 2009-910-10-26

GENERAL DISCUSSION

5. **AI-30845** Professional Services: Development of Regional Trail Plan for Collin County (RFQ No. 11236-09), budget amendment in the amount of $194,470 and further authorize the Purchasing Agent to finalize and execute the Engineering Services Agreement, Special Projects.

Jeff Durham, Parks and Projects, approached the Court regarding the Regional Trail Plan and requested approval of the plan. Commissioner Shaheen stated this was discussed previously and it was his understanding the County would achieve a Regional Trail Plan through a different avenue. Instead of engaging a firm, the County would use internal staff from Engineering and GIS to achieve the plan.

Mr. Durham replied saying he has been in communications with Tim Nolan, GIS, and Mr. Nolan would be involved with the project by providing maps and geographical information.

Judge Self addressed Mr. Durham saying the County had no way to believe that this would not become directive, and said he thought it would become directive even if it did not start out that way. Mr. Durham compared it to the though fare plan in that each City has a through fare plan and then there is a regional through fare plan. Judge Self responded saying there are three criteria and they were not prioritized. The criteria are land acquisition, the trails and capital improvement. Extensive discussion with the Court followed.

Commissioner Ward asked for a brochure showing the Regional Trail Plan be shown to the Court then stated this was the plan proposed to and approved by voters, and the County should honor what the voters approved. Additional discussion among the Court followed. Motion to approve the Regional Trail Plan as submitted. (Time 9:49 a.m.)

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Kathy Ward
Vote: 3 - 2 Passed
Nay: Judge Keith Self
Commissioner Matt Shaheen

COURT ORDER NO. 2009-911-10-26

6. AI-30888 Funding recommendation for the First Series - 2007 Collin County Parks/Open Space Project Funding Assistance Program and budget amendment in the amount of $2,147,195 for same, Special Projects.

Judge Self addressed the Court and audience with information on how the 2003 parks and open space bond funds were distributed and which cities got the largest part of the funds. The City of Prosper received the largest part, the City of Allen was second and the City of Wylie was third. Judge Self then said he encouraged Mr. Durham to use this information as one point of data as they go through the funding process.

Jeff Durham, Parks and Projects, re-addressed the Court with information regarding the open space project and gave the Court information on the funding. Mr. Durham also gave the Court information on the Parks Advisory Board's research into the requests for funding.

Commissioner Hoagland stated he wanted to hear about the Crape Myrtle project. Judge Self introduced two additional blue cards on this item.

Bill Whitfield, former Mayor of McKinney, addressed the Court regarding the Crape Myrtle Trails. Mayor Whitfield stated that in 2006 the City of McKinney signed a 10 year contract for the Crape Myrtle Board to plant four thousand Crape Myrtles each year in medians, and the City would plant one thousand. The purpose was to beautify McKinney and add to the world's largest collection. Mayor Whitfield asked the Court to exchange the $300,000 for the Crape Myrtle Project this year and then next year put the funds towards the Parks Project. Discussion with the Court followed. Commissioner Jaynes proposed to approve the request and let the City make the decision on how the funds are used.

Neil Sperry, Crape Myrtle Trails of McKinney, addressed the Court regarding the Crape Myrtle Project and gave the Court handouts for the expanded parks plan. The Board plans to plant five thousand of Crape Myrtles each year for 10 years and is seeking sponsors that will plant the trees on their own property to expand the collection. Mr. Sperry gave the Court information on the sponsors who are planting the trees to preserve the project. When people think of Crape Myrtles they should think of McKinney. They want to open a Crape Myrtle museum which will house every variety of the tree. No one else in the world has such a collection, therefore it is horticulturally important. Discussion with the Court followed.

Judge Self asked Ryan Dry, Parks Advisory Board, to approach with his comments on this project. Mr. Dry gave the Court information on the committee and the work they do. Additional extensive discussion among the Court followed.

Motion to approve the item and add the $34,000 in surplus funds with $10,000 to the Fairview Trail Connector and $24,000 to the City of McKinney Crape Myrtle Project.
(Time 10:15 a.m.).

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

COURT ORDER NO. 2009-912-10-26

Judge Self recessed the Court at 10:15 a.m. and reconvened Court at 10:20 a.m.

7. **AI-30975** FY2010 Benefits presentation, Human Resources.

Cynthia Jacobson, Human Resources, gave a power point presentation on the FY 2010 Medical Benefits Plan. Information provided included employee premium comparisons, benefit comparisons and dental plan comparisons. Ms. Jacobson gave statistics regarding plan type vs. employee coverage and informed the Court that 71% of the workforce who carry self and family make less than $50,000 annually. The presentation also included the County's average annual cost for each employee which is approximately 1/3 higher than the average comparisons. Comments and discussion continued throughout the presentation with the Court.

The summary report stated in 2008 there were 42 large loss members (a large loss is any claim over $50,000) which is an increase of 83 % over the prior year. 43% of the County's insured have a chronic disease and account for nearly 65% of medical costs. Contributors to the high costs include a 49% increase in inpatient costs and a 79% increase in the average high dollar claims cost per member. Five diagnoses account for 56% of medical costs and the top three account for 69% of high cost claims. The top five diagnoses are Circulatory System claims, Musculoskeletal claims, Cancer claims, Digestive System claims and Injury and Poisoning claims.

The good news: emergency room utilization decreased by 7% and urgent care utilization increased by 23%, the savings here is the cost of the visit. An emergency room visit averages more than $1,000 while an urgent care visit averages $118. 65% of prescriptions were generic or lower cost tier one drugs.

Discussion items included: Heart scan program, Contribution rates for retirees under 65, Wellness Incentives and recommended plan changes. One consideration was to include heart scans as an approved medical test for the standard annual physical as recommend by the employee's primary care physician. Ms. Jacobson said early detection and prevention is the best way to lower medical costs.

Recommendations for the FY 2010 Wellness Incentive includes continuation of the premium reduction for employees who had an annual physical in 2009, provide a $200 payment if employee (and insured spouse) complete a risk assessment (online with UHC), complete an annual physical and have the primary care physician certify cholesterol levels are within acceptable ranges or certify the employee is being treated for higher levels.

Extensive discussion regarding policy changes followed the discussion items. One recommendation, which came from the County's medical insurance provider, was to require chiropractic care providers to be in network. If the provider is not in network, the County would not pay for the treatment. Commissioner Ward stated she had several complaints regarding employees being unable to find an in network provider and providers who tried to join the network were unable to do so. Ms. Jacobson said she would get more information on the issue and bring it back to the Court.

Commissioner Hoagland suggested the incentive for wellness remain; however, if an employee fails to complete an annual well person physical, their premiums will be raised. This was widely accepted by the Court.

Ms. Jacobson recommended the County re-instate the wellness payment as well as continue the premium reduction for employees who complete the annual well person physical. By offering incentives, employees are more likely to visit their doctor annually, which can help detect and treat potential issues before they become large loss claims.

After extensive discussion Judge Self stated the Court needed to vote. Commissioner Hoagland stated he wanted to vote on each item individually. Judge Self agreed. The plan changes are effective as of January 01, 2010 and are as follows:

Motion to approve the inclusion of heart scans in the annual well person physical provided it is recommended by the employee's primary care physician. (Time 11:25 a.m.).

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

COURT ORDER NO. 2009-913-10-26

Motion to approve changing contribution rates for retirees under the age of 65 (Plan 1) to the actuarial cost. (Time 11:26 a.m.).

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

COURT ORDER NO. 2009-914-10-26

Motion to approve wellness program at a $200 payment and a $25 reduction in monthly premiums for employees (and spouse if covered) who complete the annual well person physical and health risk assessment. Employees (and spouse if covered) who do not complete the annual well person physical and health risk assessment will have an increase of $25 in monthly premiums. Elected Officials will be included in the premium reduction benefit, but will be exempt from the wellness payment. Plan change will be effective as of January 01, 2010, and rate changes will begin as of January 01, 2011. (Time 11:35 a.m.).

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

COURT ORDER NO. 2009-915-10-26

Discussion regarding chiropractic care and requiring provider to be in network. Commissioner Jaynes stated he wanted more information before taking a vote. Judge Self suggested making changes to chiropractic care a part of the 2011 benefit plan to allow employees another year to use their current provider and see if that provider could join the network. Commissioner Ward said she would not support the change without more information because of the difficulties providers have had in trying to join the network.

Commissioner Ward said the only complaints she is hearing about United Healthcare is that they are a "Chiropractic unfriendly" organization. Commissioner Shaheen said he wanted more information as to why this was an issue. Discussion regarding when this should come back to Court for any action followed. Judge Self directed Ms. Jacobson to bring this back to Court as soon as possible.

NO ACTION TAKEN

Motion to approve co-pay for employees who are hospitalized at a rate of $100 for each day of the stay up to a maximum of $500. (Time 11:43 a.m.).

Motion by: Commissioner Jerry Hoagland
Second by: Commissioner Matt Shaheen
Vote: 4 - 1 Passed
Nay: Commissioner Joe Jaynes

COURT ORDER NO. 2009-916-10-26

8. AI-30997 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 procedure with the exception of one who will begin at a salary five percent higher than the base range due to years of experience as a Prosecutor. Motion to approve personnel appointments.
(Time 11:44 a.m.)

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

COURT ORDER NO. 2009-917-10-26

9. AI-30998 Personnel Changes, Human Resources.

Cynthia Jacobson, Human Resources, addressed the Court regarding changes to current employees. Ms. Jacobson informed the Court all changes follow standard procedures.
Motion to approve personnel changes. (Time 11:44 a.m.)

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

COURT ORDER NO. 2009-918-10-26

10. **AI-31003** Board/Committee Appointments, Commissioners Court.

Commissioner Shaheen nominated Carol Coffee to the Child Protective Services Board.
(Time 11:44 a.m.)

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

COURT ORDER NO. 2009-919-10-26

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

Commissioner Shaheen requested a check point on the expected benefits of the CJIS project.
(Time 11:45 a.m.)

EXECUTIVE SESSION
There being no reason to recess into Executive Session and there being no further business of the Court, Judge Self adjourned the meeting at 11:45 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

COMMISSIONERS COURT COLLIN COUNTY TEXAS

ATTEST:

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