

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
OCTOBER 23, 2017

COUNTY OF COLLIN

On Monday, October 23, 2017, 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:

Judge Keith Self
Commissioner Cheryl Williams, Precinct 2
Commissioner Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Susan Fletcher, Precinct 1

Commissioner Webb led the Invocation.
Judge Self led the Pledge of Allegiance.
Commissioner Williams led the Pledge of Allegiance to the Texas Flag.

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and recessed into Executive Session at 1:32 p.m. The meeting was reconvened at 1:52 p.m. The meeting was recessed at 3:15 p.m. and reconvened at 3:30 p.m. Judge Self recessed the meeting at 5:00 p.m. and reconvened at 5:05 p.m. The meeting was recessed at 5:05 p.m. and reconvened and immediately recessed in Executive Session at 5:29 p.m. The meeting was reconvened and adjourned at 5:43 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 5:05 p.m. and adjourned the meeting at 5:05 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 5:05 p.m. p.m. and adjourned the meeting at 5:05 p.m.

President Self called to order the meeting of the Collin County Housing Finance Corporation at 5:05 p.m. and adjourned the meeting at 5:29 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-43969 Personnel Appointments, Human Resources.
2. AI-43978 Personnel Changes, Human Resources.

FYI NOTIFICATION

1. **AI-34688** Outstanding Agenda Items, Commissioners Court.

2. **AI-43920** Contract renewal for Services: Commissary (RFP No. 2014-123) with Aramark Correctional Services, LLC to extend the contract for one (1) year through and including September 30, 2018, Sheriff.

2. Public Comments.

Public comments were heard under General Discussion Item No. 5 – AI44004 and Item AI-44006 on Executive Session.

3. Presentation/Recognition.

4. **Consent agenda to approve:** Item 4h1 was pulled and voted on at 1:55 p.m. before the consent agenda was discussed.

Judge Self deleted items 4f1 through 4f13 from the agenda and then asked for comments on the consent agenda. Hearing no comments, a motion was made to approve the remainder of the consent agenda. (Time: 5:05 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 3 – 0 Passed

a. **AI-43928** Disbursements for the period ending October 17, 2017, Auditor.

COURT ORDER NO. 2017-861-10-23

b. **AI-43929** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2017-862-10-23

c. **AI-43874** Tax refunds totaling \$53,873.03, Tax Assessor/Collector.

COURT ORDER NO. 2017-863-10-23

d. Advertisement(s):

1. **AI-43967** Construction, Bridge: County Road 613 at Groves Creek Bridge Replacement (IFB No. 2017-357), Engineering.

COURT ORDER NO. 2017-864-10-23

2. **AI-43934** Services: Fencing, Labor and Materials, All Inclusive (IFB No. 2017-363), Public Works.

COURT ORDER NO. 2017-865-10-23

e. Award(s):

1. **AI-43917** Collin County Jail, Book-In Millwork Replacement (IFB No. 2017-281) to Gomez Floor Covering, Inc. dba GFC Contracting, budget amendment in the amount of \$47,500 and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

COURT ORDER NO. 2017-866-10-23

2. **AI-43946** Maintenance: VMware (RFQ No. 2017-351) to Dell USA L.P., Information Technology.

COURT ORDER NO. 2017-867-10-23

3. **AI-43889** Software Maintenance, PeopleSoft (Contract No. 2018-17) to RFD & Associates, Inc., Information Technology.

COURT ORDER NO. 2017-868-10-23

f. Interlocal Agreement(s) for Dispatch Services effective through and including September 30, 2018, Sheriff:

1. **AI-43953** City of Anna.

PULLED

2. **AI-43954** Anna ISD.

PULLED

3. **AI-43955** City of Celina.

PULLED

4. **AI-43951** Town of Fairview.

PULLED

5. **AI-43957** City of Farmersville.

PULLED

6. **AI-43958** Farmersville ISD.

PULLED

7. **AI-43959** City of Josephine.

PULLED

8. **AI-43960** City of Melissa.

PULLED

9. **AI-43961** City of Princeton.

PULLED

10. AI-43962 Blue Ridge Volunteer Fire Department.

PULLED

11. AI-43966 Nevada Volunteer Fire Department.

PULLED

12. AI-43963 Westminster Volunteer Fire Department.

PULLED

13. AI-43964 Weston Volunteer Fire Department.

PULLED

g. Amendment(s):

1. AI-43748 Amendment to the Tyler Technologies Master Services Agreement to add Odyssey Supervision Software and Implementation; approve Tyler Technologies, Inc. as the sole source provider and grant an exemption from the competitive bidding process in accordance with V.T.C.A. Local Government Code 262.024(a)(7)(A), and further authorize the Purchasing Agent to finalize and execute same, Information Technology.

COURT ORDER NO. 2017-869-10-23

2. AI-43939 No. 11 to the Interlocal Agreement with the Town of Prosper for Animal Control Services to set the rate for FY2018 for an annual amount of \$40,604 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-870-10-23

3. AI-43940 No. 11 to the Interlocal Agreement with the Town of Prosper for the Facility Construction and Use of an Animal Shelter to set the rate for FY2018 for an annual amount of \$24,583 to be effective October 1, 2017 through and including September 30, 2018 and further authorize the Purchasing Agent to finalize and execute same, Development Services.

COURT ORDER NO. 2017-871-10-23

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

1. AI-43942 \$3,084 utilizing the JP Court Technology Fund to cover the difference in the budgeted amount for surface pros, Justice of the Peace, Precinct 1.

Judge Paul Raleeh, Justice of the Peace, Precinct 1, came forward to ask the Court to take this up as a stand-alone item because Judge Raleeh was due back in court. With no further discussion, a motion was made to approve the item. (Time: 1:55 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 4 – 0 Passed

COURT ORDER NO. 2017-872-10-23

2. AI-43947 \$75,000 to reallocate funds to cover the negative budget category for FY 2017, Auditor.

COURT ORDER NO. 2017-873-10-23

3. AI-43956 \$16,000,000 to continue the right of way acquisition for the Collin County Outer Loop from the Collin/Denton County Line to State Highway 289, Engineering.

COURT ORDER NO. 2017-874-10-23

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

1. AI-43944 October 2, 2017.

COURT ORDER NO. 2017-875-10-23

j. Miscellaneous

1. AI-43991 Sale of property located at 2054 CR 326, McKinney, Texas (.2500 acres of land out of Abstract 691, G.B. Pilant Survey, Volume 993, Page 317) as recorded in the Collin County Deed Records to Felipe Lezama and Victoria Lezama upon the payment of \$13,000, County Judge.

COURT ORDER NO. 2017-876-10-23

2. AI-43935 Reject all bids received for Services: Fencing, Labor & Materials, All Inclusive (IFB No. 2017-279), Public Works.

COURT ORDER NO. 2017-877-10-23

3. AI-43970 Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-878-10-23

4. AI-43971 Personnel Changes, Human Resources.

COURT ORDER NO. 2017-879-10-23

GENERAL DISCUSSION

5. AI-44004 Resolution supporting the placement of freeways in the southeastern part of Collin County in the 2045 North Central Texas Metropolitan Transportation Plan (MTP), Engineering.

Judge Self reconvened Commissioners' Court at 3:30 p.m. Commissioners Fletcher and Webb were not present.

Clarence Daugherty, Engineering, explained NCTCOG (North Central Texas Council of Governments) has been studying the need for additional freeways in the southeast part of the County. There has been a lot of work done in computer simulation using growth projections. NCTCOG is in the process of developing the next update for the MTP (Metropolitan Transportation Plan) which will be the 2045 Mobility Plan to be approved in June 2018. One of the next steps is to make sure any new projects be submitted for consideration and be further evaluated in order to get them into the plan. This would include an environmental assessment.

There have been several social media posts opposing the main proposal. There will be a workshop with the City Council of Wylie on November 9, 2017. The proposed Lake Corridor goes through the peninsula, crosses the lake and then goes through Wylie. The County Engineering Department requests Commissioners' Court pass a resolution that supports putting a corridor in the MTP. That is the way to move something forward but does not mean it or any alignment is definite. If there are going to be improvements in that area, it must be on the plan and go through this process. Otherwise it will be two years before any amendments can be made to the plan. This is supporting the placement of a north/south freeway in the MTP for the purpose of determining an acceptable route and for the additional purpose of conducting necessary environmental reviews to advance such a project either in the peninsula of Lake Lavon or on the east side of the lake.

Mr. Daugherty showed a map with four possible routes in this corridor which are being looked at. The conclusion is that the route on the far left of the map, which has some improvements or corrections made to it, would not be a freeway. In this case, SH78 would remain an arterial, and the Outer Loop on the far-east side would be a freeway. There are options to be looked at. The resolution would express to NCTCOG that the County feels it is important to put a north/south corridor in the MTP so it can be studied and progress. The study cannot be started until it is on the MTP.

Commissioner Williams said this does not preclude us from coming up with additional potential routes or other options. In fact, this is the process needed to look at other options. Commissioner Hill confirmed that these lines do not mean this is where the roadway will be. Mr. Daugherty said it will be close to ten years before we would be close to beginning construction. Judge Self asked for public comments. All of the comments below were from citizens opposed to the Lake Corridor.

Kathy Lotzer, Wylie, said this issue of a roadway over the lake has been fought before and the citizens won. It has been proven that it would be detrimental to the environment. Ms. Lotzer also mentioned the intermodal south of the lake which has 350 18-wheelers a day. Ms. Lotzer agrees there needs to be more roadways, but she does not want a highway over their water supply.

Deborah Matern, Wylie, is in favor of improving and modernizing the existing roads but is against the Lake Corridor. An environmental study again would be a waste of resources and time. Ms. Matern said this is not for the benefit of the residents of Wylie, but rather for people passing through their city, and we need to do the best thing to affect the least number of people.

Vern Bergquist, Wylie, came forward to oppose this item on behalf of the residents of the Watermark subdivision. They could not make it to this meeting but will be attending the November 9th meeting in Wylie. The people are upset about the lack of discussion and notification as to who would be impacted.

Sandra Ritzmann, Wylie, asked the Court to table the discussion and postpone the vote. The petition against the Lake Corridor has 1,300 signatures. Ms. Ritzmann is opposed to any new roads and would prefer the widening of current roads.

Robert Simmons, St. Paul Councilman and Mayor Pro Tem, is not against progress but is against the Lake Corridor going over the lake. The lake is a gem and unique, and crisscrossing it with bridges will change it significantly and be very costly.

Dr. Alisa Volpi, Wylie, asked the Court to strike the portion of the resolution that would include the peninsula, Lake Lavon and Troy Road. Dr. Volpi would prefer the expansion of existing roads which are already business oriented.

Commissioner Williams asked Mr. Daugherty if there was a specific alignment that has been determined for the Lake Corridor and south of the lake into Wylie. Mr. Daugherty said a specific alignment has not yet been determined. There will be approximately one to three public meetings before June 2018 and then again during the environmental assessment.

Mike Berkmyre, Princeton, did attend the NCTCOG meeting and felt it was very uninformative. They are recommending all four roads be included in the plan. Mr. Berkmyre urged the Court to vote no on the resolution or at least amend it to exclude the Lake Corridor.

Danielle Harston, Wylie, is against building a bridge over the lake because it is a vital recreational lake for the County. Ms. Harston asked the Court to vote against a bridge over the lake.

Dan Mingea, Wylie, came forward to speak on behalf of his neighborhood in Beaver Creek. They are opposed to the Lake Corridor which will disrupt at least half a dozen communities. There is no benefit to the Lake Corridor for the people who live there. Also, NCTCOG said we need another 18.3 cents gas tax to maintain the roads we already have, so why would we add more roads. This roadway will also affect the air quality which is already suboptimal now. Lastly, Mr. Mingea is angry about not getting full disclosure.

Commissioner Hill said this is the right time for the County to be preparing for the future growth of the County. Also, what will impact the air quality more than a bridge is the number of new cars coming to our community whether we build new roads or not.

Carl Glaze, Rockwall, asked the Court to amend its resolution to focus on an existing road and another one which construction has already begun in the north rather than creating a new corridor through undeveloped countryside and across the lake. The Lake Corridor is not serving your constituents, it serves the grand design of NCTCOG.

Justin Matthews, Wylie, said the Lake Corridor does not represent the desire of the people living in and around the affected communities. Mr. Matthews said the language of the resolution leaves no doubt that there will be a new highway regardless of what the residents think. Mr. Matthews would prefer the enhancing of existing thoroughfares. Judge Self said Mr. Matthews is the first person to question the integrity of the Court.

Dixon Airhart Glaze, Rockwall, read from a prepared statement requesting the Court remove the Lake Corridor freeway from all proposed road plans because of the damage it would cause to the environment. Commissioner Hill confirmed that Mr. Glaze is concerned with the Lake Corridor route only.

Connie Ener, Princeton, said the peninsula has been rural for over 100 years. The Lake Corridor will serve those living in North Collin County who need routes to the south. It will not benefit those living on the peninsula. Ms. Ener asked, when the Court does its due diligence, that it consider this is a community of people - not just lines on a map. The Lake Corridor is not the best option.

Geoff Kilgore, Wylie, asked if the construction on SH78 between the lakes will not be enough. Judge Self said it will not be sufficient in the out years. Mr. Kilgore also asked if there would be a consensus of all the cities before there was a vote. Judge Self said the RTC (Regional Transportation Council) wants a consensus before they move forward with the process. We are in the process of asking the cities what they want to do and do they support some type of improvement to the MTP. The NCTCOG will have their own process of consensus.

Dr. Linda Knight, Wylie, came to strongly encourage the Court to not support the resolution. She does not support any of the four roads as real options. Dr. Knight believes the intermodal is the hub and driving force for this and we need to be cautious.

Shyam Sundor, Dallas, is an engineer and questioned the three roadways which are parallel. Mr. Sundor also said there is a protected species of bald eagle on Lake Lavon.

Chad Watson, Wylie, came forward to talk about the importance of the lake rather than the fact that he could lose his property. He asked the Court to vote no on any road that will require a bridge over Lake Lavon.

The following is a list of citizens who came to Court to oppose the resolution but elected not to speak: Kathlyn Cox, Wylie; Linda Garber, Wylie; Regino Martinez, Wylie; Ryan Ross, Sachse; Sherrie Johnson, Princeton; Deborah Murray, Wylie; Sara Drake, Princeton; Sergei Reznikov, Murphy; Francoise Kidwingira, Plano; Sushil Digewade, Plano.

Commissioner Williams made a motion to approve the resolution with a change made to Section 1. Section 1 would read as follows: The Commissioners' Court supports the placement of a north-south freeway corridor in the Mobility 2045 Metropolitan Transportation Plan for the purpose of determining an acceptable route and for the additional purpose of conducting the necessary environmental reviews to advance such a project. Commissioner Hill said that takes the name of the lake out of the resolution but that does not mean those options are off the table. It just means the resolution is being changed so it doesn't draw attention to the lake or suggest that is the Court's preference.

Commissioner Hill serves as the Commissioner for those who live on the peninsula. It has been an honor and privilege to serve them for the last five years. The Commissioner thanked everyone for sharing their thoughts and concerns and said all their points were valid. The Court serves a million constituents in the County and they have to make decisions for those million people and they have to be thinking as wisely as possible about the million who are coming. The Court cannot do nothing. The people of Collin County didn't elect the Court to do nothing. This means the Court has an obligation to study what to do for the future of Collin County.

Commissioner Williams said she wanted to strike that portion of the resolution because she did not want people to feel this is a foregone conclusion or final determination. That is not the case. There is a lot of public input that will be considered, and the Commissioner wanted to make sure to leave all the options on the table in order to make the best determination. (Time: 5:00 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Chris Hill

Vote: 3 – 0 Passed

COURT ORDER NO. 2017-880-10-23

6. AI-44001 Appointment to the Conference of Urban Counties (CUC) Policy Committee, Administrative Services.

HELD

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 1:32 p.m. under Paragraph 551.071, Legal to discuss the City of McKinney's proposed annexation plan.

Legal (551.071)

AI-44006 City of McKinney's proposed annexation plan Resolution No. 2017-08-160 (R), Commissioner, Precinct 2.

Judge Self reconvened Commissioners' Court at 1:52 p.m.

Judge Self explained to the public that annexations can only be challenged by the elected DA (District Attorney), the elected County Attorney or the AG (Attorney General) of the State of Texas. Since Collin County's DA also serves as the County Attorney, it would be up to the DA or State AG to challenge this. The Court has not seen a metes and bounds of the annexation or an ordinance to be voted on by the City Council. The County Engineer will be requesting the metes and bounds.

The Court will not weigh in on any actions by private citizens. That would be between the citizen and their private attorney. That would also pertain to any violations of the Open Meetings Act. Commissioner Williams said it is incumbent on the Court and the County Engineering Department to look at any and all annexations going forward to make sure the metes and bounds of every ordinance include the county road. There are a number of orphaned roads in the Commissioner's precinct and then the responsibility of those roads falls on the County.

The following citizens came forward to speak against the City of McKinney annexation of property in the ETJ.

Tammie Combs, Josephine, asked who does the external audits for the City of McKinney. Judge Self said the County does not do it. She then asked if annexation is regulated by Texas Local Government Code. Judge Self said the law that governs any actions against annexation is the Texas Civil Practice and Remedies Code Paragraph 66.001. Ms. Combs said the list of services that will be provided after the annexation is very vague, and she would like to know what specific services will be provided. Judge Self said that is a question for the McKinney City Council.

Tracy Thomas, McKinney, lives in the city but came on behalf of friends who live in the ETJ (Extraterritorial Jurisdiction). Forced annexation is not right which is why SB6 will be going into effect on December 1, 2017. Ms. Thomas said the City Council is divided on this issue and she has received no satisfactory answers from the Council to her questions. Ms. Thomas feels the City does not trust the County to issue permits that won't line up with the City's vision as the city continues to expand. The City has said numerous times that it pays for a majority of the EMS (Emergency Medical Services) provided to the ETJ as if the people in the ETJ owe the City which is a notion of entitlement by the City. When the original ILA (Interlocal Agreement) was made, the City and County made a financial agreement regarding reimbursement. Ms. Thomas feels because the City is not happy with the ILA, they are shifting the blame to the citizens of the ETJ. Commissioner Hill responded regarding the contract between the City and County for fire services provided within the ETJ. That agreement is a one-year agreement that is renewed and revised year after year. If the City finds that it does not suit them, they have every opportunity to tell the County. Yet they continually renew that agreement year after year.

Brian Newman, McKinney, said last spring the McKinney Mayor said the forced annexation of Arch Resorts was wrong, but now he is doing the same thing to hundreds of properties without the owners' consent. Mr. Newman asked the Court to look into this because he believes the process is being violated. Any help the Court would render to the citizens of the ETJ would be appreciated. The Court has been protectors of private property rights in the County, and Mr. Newman would like to see that continue.

Douglas Hopkins, McKinney, asked the County to protect the rights of the property owners by insisting that McKinney comply with all state law annexation requirements. Their failure to comply with all laws is against their oath of office and outside the scope of their authority. Mr. Hopkins is asking the County to bring a quo warranto action to force the City to comply with Chapter 43.

Beverly Covington, McKinney, said she and her family are opposed to the annexation and asked the Court to assist in blocking the forced annexation if it is able to do so. The Covingtons are retired and on a fixed income and would like to retain their vested property rights.

Angela Nyberg, McKinney, thanked the Court for protecting personal property rights in the past and asked that the Court continue to do so. Ms. Nyberg questioned why the City supports property such as Trinity Falls with special districts to stay in the ETJ while forcing others to annex. The City demanded land for sewer and the offer was offensive. The City is now doing the same to the front of Ms. Nyberg's property in order to expand Trinity Parkway. Everything seems stilted toward the City and the developer with no regard for personal property rights.

Mr. Nyberg is the pastor of the church which is on land that is being forced into annexation. Ms. Nyberg thanked Collin County for their support in allowing them to build a country chapel to service the many needs of Collin County residents. The demands by the City on the chapel if it is annexed will be a tremendous burden. They purposely purchased land in the ETJ and made their financial plans based on this. Judge Self said the Court did not allow them to build the chapel – they had the right to build it in the unincorporated part of the city as long as it is built to code.

Bernd Fitzau, McKinney, said he has lived in the ETJ for 20 years, and there has always been an uneasy relationship with the City of McKinney. When Mr. Fitzau received the letter from the City he called the Director of Planning for the City of McKinney. The Director said the annexation was to protect city assets. Mr. Fitzau said the City Council says the ETJ mooches off the City budget for services that they do not pay for. The Commissioners' Court is the only elected officials the people in the ETJ have to ask for help to protect their interests.

Kaye Galloway, McKinney, said most of the land is under an agricultural exemption, and it does not make sense for the City to annex thousands of acres of agricultural land that is protected from annexation by Section 43.035 of the Texas Local Government Code. The City does not have the authority to annex any ag exempt property until the City makes a lawful offer to the owners in accordance with the Section 43.035. To date, the City has failed to make an offer that complies with that statute. Lastly, the November 1st deadline to sign the City's noncompliance agreement is not a valid deadline.

Beth Douglas, Dallas, is a realtor and came to speak against the annexation on behalf of friends in Collin County. Ms. Douglas has sold a lot of homes in Collin County and wants to continue to bring people to Collin County. She asked the Court to protect their property rights.

Larry Malone, McKinney, came forward to ask the County to protect the property owners' rights and require the City to comply with the requirements of Section 43.

Jim Wiggins, McKinney, has put hundreds of thousands of dollars into improvements on his property which is ag exempt. The City is trying to put a sewer line through Mr. Wiggins' property which will vent next to his home. They are cutting down trees that are over 50 years old. The City is giving them pennies on the dollar for this land. Mr. Wiggins feels they are under attack already, and now the City wants to annex the land. This means they will absorb the City's debt which they did not get a chance to vote for. Mr. Wiggins said the City Council does not represent us but is making decisions on our behalf. This is taxation without representation. Mr. Wiggins asked for the Courts help and requests the DA put a stop to this.

Don Bourland, McKinney, said the City intends to annex all county roads. If this were true, the City would have given the required 30-day notice to the owners of the rights of way that make up the one-half of the county road adjacent to the property that will remain in the ETJ. The failure of these ETJ owners to receive notice that the portion of their property containing the road is being annexed together with the City's own annexation exhibits, are the best evidence that even if the City intends to annex the roads, it cannot do so because the annexation area fails to include the county roads. Collin County has a history of protecting property rights and advocating on behalf of the county residents. Mr. Bourland is asking the County to protect the rights of the property owners and insisting that the City comply with all laws and annexation requirements.

Charles Patmore, McKinney, is ag exempt and purchased the property to rescue old horses from kill pens and for horses that need adoption and a good place to live. He feels the City has made a lot of missteps while trying to jam this through before December 1, 2017 when the law that the Governor signed will go into effect to block forced annexation. There is a strong horse and farm culture in the ETJ. Mr. Patmore thanked the Court for its time and consideration.

Dalana Squires, McKinney, said the City did not meet the statutory deadline for publication for the public meeting notice for October 25, 2017. The notice was also posted in a Celina paper instead of a McKinney paper and held the meeting during the day instead of evening when more people could attend. Ms. Squires asked the Court to help slow the process so the annexation can happen in a more ethical way.

Mr. Hale, McKinney, said the City is racing toward the December 1st deadline, and this haste is causing some legal and procedural problems. Several property owners did not receive notification but rather heard from their neighbors. They are trying to do annexation proceedings on land that is immune to annexation. Even if after the November 15th vote that the City will have to either annex or not annex, there are negotiations to be allowed in lieu of annexation by Chapter 43.0562. Mr. Hale would be happy to negotiate on behalf of ETJ residents. As a citizen of McKinney, Mr. Hale wants what's best for the City, but they have no idea of what the service plan will cost the citizens of McKinney.

Craig Clark, McKinney, has seen the metes and bounds and it has not been fully defined. There is also no service plan or budget for a service plan. Since 3500 of the 3800 acres to be annexed is agricultural land, it will not generate enough revenues to do a service plan. The City's plan is to wait for a developer to buy the land and then change the use and then they will put the cost of services on the developer. The City would never have to provide for municipal services claiming it's the developer's responsibility and it would eventually fall back on the County as far as road and bridge maintenance. Mr. Clark asked for the County's help in making the City uphold the law and provide the metes and bounds and a funded service plan.

Harold Clyde, McKinney, said the citizens appreciate the Court and the fact that they had the opportunity to elect them unlike the city officials. In the City's rush, they have not notified all property owners, omitted some properties and are not properly posting zoning signs. The city is also not taking over the county roads. On the last annexation, they did not annex the road.

Brandee Tate, McKinney, said the City Planner stated that water and sewer will be provided in the same way those services are provided in the city and then went on to explain the city does not provide those services at all. They wait for a developer to extend those services at the developer's costs. The law states that the service plan must include a program under which the municipality will provide full municipal services in the annexed area no later than two and a half years after annexation.

Shannon Blake, McKinney, read from a prepared statement regarding the City's illegal rebate on ad valorem taxes. Ms. Blake said this is an attempt by the City to buy the property owners' silence and make the annexation go more smoothly. The City is acting in bad faith and outside the scope of its authority.

Jason Blake, McKinney, also spoke against the annexation. The City cannot annex thousands of acres and do nothing in return. The City will be required to provide services to the annexed area but the property owners do not want or need these services. If the City does not spend the millions of dollars required for these services within four and a half years, the owners may petition to dis-annex and ask for a refund of all taxes the City received while the property was within the city limits.

Paul Powell, McKinney, said he does not believe the City has complied with all the rules of annexation and asked the County to take action to force the City to do the annexation legally. His notice did not give a legal description of his property but rather a property tax ID code with an abstract. The City did not take the time to look up metes and bounds.

Bryan Swenson, McKinney, is strongly opposed to the annexation and does not feel the City provided an adequate plan or is prepared to provide all the services required by law in the appropriate period of time. The City took responsibility for the road in front of Mr. Swenson's property from the state a year and a half ago. The only thing the City has done is rename the road to Trinity Falls Parkway. Mr. Swenson and his neighbors maintain the roadway. He asked the Court to not allow the City to bypass the new law.

Siotha Vest, McKinney, said the forced annexation is wrong. Ms. Vest asked the Court to bring in the DA to make sure that this annexation for McKinney and other cities is stopped. The County is the representation for the ETJ.

Lynn Cooper, McKinney, explained the difficulties she has had using the city trash service and asked if this is the type of service they can expect for city services.

Chris Cooper, McKinney, said annexation will have a significant impact on any resident who has their land annexed yet the financial gain to the City is minimal. In fact, when you consider the cost to the City to provide services to the annexed area, the City will actually lose money. Section 43.106 of the Texas Local Government Code requires the City to annex the full width of any portion of any county road adjacent to any area being annexed. It is not clear from the property descriptions for the annexed area that the City is complying. The service plan does not address this issue.

Tricia Hickman, McKinney, came forward to ask the County to help protect the rights of the property owners by insisting that the City of McKinney comply with all the laws relating to annexation and to bring a quo warranto action to force such compliance. Ms. Hickman questioned the City's ability to provide services such as police and fire. Commissioner Hill said the City will have to provide services in a hop scotch fashion as will the County Sheriff's Department.

Rhett Preston, McKinney, said as residents they have the right to a service plan that complies with the law and requires the City to provide services of infrastructure including the costs of capital projects. However, the residents do not have the right to address all of the concerns and procedural errors that they have brought before the Commissioner's Court. Mr. Preston thanked the Court for putting this on the agenda.

Carla Fisher, McKinney, asked the Court when they would determine if they were going to make a plea to the DA to look into this. Judge Self said the Court will go back into Executive Session at the end of the meeting with the three Court members present and possibly a fourth member on the phone.

The following is a list of County residents who came to Court to oppose the annexation but did not speak: Mike Harris, Keith Harrell, Joe Covington, Lori Harrell, Larry David, Jan Clare, Connie Luna, Lynette Terrell, Terri Hopkins, Gary Norris, Billy Tate, Ronald Fisher, Terry Dougherty, Meredith Lemmon, Aaron Lemmon, Joyce Dougherty, Klaus Keuhn and Jack Neubauer. Judge Self closed the issue at 3:05 p.m. and asked the Court for comments.

Commissioner Hill thanked the residents for coming to Court and said it was an honor to represent them. The Commissioner respects that we all have the opportunity to make the decision to live in the city or in the country. Many have heard that the annexation is necessary because county residents use city services and don't pay for those services, and this is an attempt to level the playing field. The Commissioner suggested this is the City looking for tax revenue from people who are not currently on their tax rolls. There is not a lot of revenue to be had from 99 homes in a rural area. The reality is that future revenue when that area is developed will be significant. The City wants to seize this opportunity to take the county residents' tax revenues for their city budget.

The Commissioner has also heard the other argument that the City wants to ensure that the development in the ETJ is done in a manner that is organized, strategic and of high quality. This is a desire to enforce control and regulation on the behavior of other people in the development of their own land. This is the Commissioner's interpretation of the comments he is hearing. Those kinds of comments fail to recognize that citizens take the best control and management of their own land.

Another comment Commissioner Hill has heard is that people in the ETJ need to understand that they are going to be annexed eventually. However, there is no pretext under state law that says those living in the ETJ will be in the city limits someday. That is not the purpose or concept of the ETJ. Commissioner Hill said there is a fundamental problem with forced annexation on citizens.

Commissioner Williams is concerned with the county roads. There is nothing in the City Council's agenda item that suggests the county roads are included. In fact the terminology used is "along" or "around" county roads. It never states that it includes the county roads. It is incumbent on the City to comply with Code 43.106. The Commissioner would like to ask the Court's attorney to brief the DA on these concerns. Going forward, the Court should take this same effort with any annexation in any city or the County will continue to be left with orphaned roads that really belong to the cities.

Judge Self thanked the citizens for coming and testifying because the Court needs to hear their concerns. The Court has a strong record of protecting property rights in the ETJ and will follow up on the process and the law and make sure it is being followed. The Court does consider itself to be the representatives of residents of the ETJ. Judge Self said Commissioners' Court will request the DA investigate the process and the law. (Time: 3:15 p.m.)

Judge Self recessed the Court at 3:15 p.m. and reconvened at 3:30 p.m. to address item 5 on General Discussion. There were three Court members present – Judge Self and Commissioners Williams and Hill.

Judge Self recessed Commissioners' Court into Executive Session at 5:29 p.m. to again discuss the City of McKinney's proposed annexation plan. The meeting was reconvened at 5:43 p.m.

A motion was made to ask Bob Davis, County Attorney, to prepare a letter to the City of McKinney laying out what was heard in Court today. (Time: 5:43 p.m.)

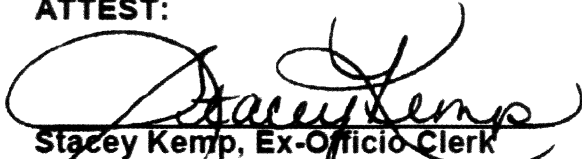
Motion by: Commissioner Cheryl Williams
Second by: Commissioner Chris Hill
Vote: 3 – 0 Passed

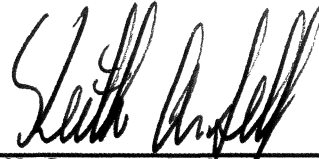
COURT ORDER NO. 2017-881-10-23

With no further business of the Court, Judge Self adjourned the meeting at 5:43 p.m.

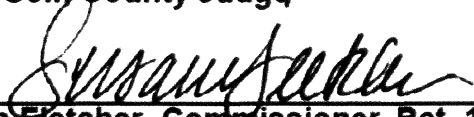


ATTEST:


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



Keith Self, County Judge



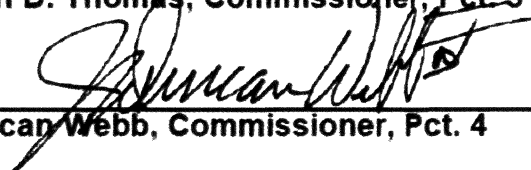
Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

Not Present

John D. Thomas, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4