

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
NOVEMBER 20, 2017

On Monday, November 20, 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 John Thomas, 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.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:18 p.m. and adjourned the meeting at 2:18 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:18 p.m. and adjourned the meeting at 2:18 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-44106** Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. **Public Comments.**

3. **Presentation/Recognition.**

4. Consent agenda to approve: Judge Self deleted item 4h6 and asked for comments on the remainder of the consent agenda. Commissioner Thomas pulled item 4h1. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:30 p.m.)

a. **AI-44068** Disbursements for the period ending November 14, 2017, Auditor.
COURT ORDER NO. 2017-938-11-20

b. **AI-44069** Indigent Defense Disbursements, Auditor.
COURT ORDER NO. 2017-939-11-20

c. **AI-44008** Tax refunds totaling \$422,137.94, Tax Assessor/Collector.
COURT ORDER NO. 2017-940-11-20

d. Advertisement(s):

1. **AI-43911** Grounds Maintenance Equipment (IFB No. 2017-344), Public Works.
COURT ORDER NO. 2017-941-11-20

2. **AI-44078** Firearms, Ammunition, and Accessories (IFB No. 2018-036), Sheriff.
COURT ORDER NO. 2017-942-11-20

e. Award(s):

1. **AI-44051** Dispatch Console Furniture (RFP No. 2017-169), Sheriff.
COURT ORDER NO. 2017-943-11-20

f. Agreement(s):

1. **AI-44076** Personal Services Agreement with Brennan Rivera-Jones (Agreement No. 2018-049) for a Program Manager to oversee and administer the Veterans Court Program, grant an exemption from the competitive bid process per V.T.C.A. Local Government Code 262.024(a)(4) and further authorize the Purchasing Agent to finalize and execute same, 296th District Court.

COURT ORDER NO. 2017-944-11-20

2. **AI-43768** Interlocal Jail Services Agreement with the City of Celina effective through and including September 30, 2018, Sheriff.

COURT ORDER NO. 2017-945-11-20

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

1. **AI-44079** \$8,680 for Supplemental Work Order No. 1 and No. 2 with LMC Corporation for the Relocation & Expansion of the 911 Dispatch Center, Construction & Projects.

COURT ORDER NO. 2017-946-11-20

h. Miscellaneous

1. AI-44031 Adoption of the 2018 Investment Policy, Auditor.

Commissioner Thomas recommended making changes to the investment policy in light of the 2008 rate recession. The policy appears to adequately address the issues raised by the Orange County bankruptcy in 1994, but the Commissioner thinks the Court could tighten a few provisions and add things from lessons learned from the great recession. He would like to see the addition of more specific investments that are prohibited. For example, the policy stipulates no bonds less than "A" rated, but there should be an addition of specific provision of options, currency speculation and so on. He would also like to look at mortgage obligations, mortgage backed securities and insurance for mortgage backed securities. The Commissioner recommended further analysis on the policy before approving it. In addition, he would like to see a performance comparison of the County's investments to similar securities in the annual report in order for the Court to make appropriate decisions on how well the investors are performing. The item was held for further discussion with the County Auditor. (Time: 1:33 p.m.)

HELD

2. AI-44020 Canvass the results of the November 7, 2017, Constitutional Amendment Election, Elections.

COURT ORDER NO. 2017-947-11-20

3. AI-44072 Notice of Sub-Recipient Grant Award and acceptance of the FY 2017 Emergency Management Performance Grant (EMPG) in the amount of \$76,968.01 administered by the Texas Division of Emergency Management, Texas Department of Public Safety, Emergency Management.

COURT ORDER NO. 2017-948-11-20

4. AI-44080 Re-designation of Private Road 5640 to Gray Way (with associated address updates), GIS/Rural Addressing.

COURT ORDER NO. 2017-949-11-20

5. AI-44081 Declare Superior, LLC as the sole source provider for the legacy HTE ERP software license and maintenance for Naviline, QRep and Procurement Card and further grant an exemption from the competitive bid process per V.T.C.A. Local Government Code 262.024(a)(7)(A), Information Technology.

COURT ORDER NO. 2017-950-11-20

6. AI-44077 List of equipment manufacturers for the Sheriff's Office Firearms, Ammunition, and Accessories procurement standards, Sheriff.

PULLED

7. AI-44095 Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-951-11-20

8. AI-44096 Personnel Changes, Human Resources.

COURT ORDER NO. 2017-952-11-20

GENERAL DISCUSSION

5. AI-44049 Indemnification of the Justice of the Peace, Precinct 3-1, Auditor.

Jeff May, County Auditor, said the request for indemnification is related to a fraudulent money order received by JP (Justice of the Peace), Precinct 3-1. Mr. May has looked into the matter and has determined there was no criminal action or negligence on the part of the Elected Official in accordance with the Policy for Indemnification of Elected and Appointed Officers. Mr. May recommended the approval of the reimbursement to the JP 3-1 Court.

Judge Chuck Ruckel, JP 3-1, went into detail on the situation. What concerns Judge Ruckel is the money order was first deposited via mobile deposit into the woman's bank account prior to her presenting it to the Court as payment. There was nothing on the money order to indicate it had been previously deposited. His Court was the first to have this occur and he fears they are not the last. As a result, JP 3-1 no longer accepts money orders for cash bonds or payment of rent during the appeal process. The District Attorney was unable to prosecute this situation because there are currently no laws on this issue. Judge Ruckel would like to see this on the legislative agenda. Judge Self asked Judge Ruckel to take this on as a legislative agenda item next fall. Discussion continued on the woman who presented the fraudulent money order for payment. With no further discussion, a motion was made to approve the item. (Time: 1:39 p.m.)

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

COURT ORDER NO. 2017-953-11-20

6. AI-44030 Agreement to Contribute Right of Way Funds (Fixed Price) with the Texas Department of Transportation (TxDOT) for 10% of the right-of-way (ROW) acquisition costs for certain highway improvements on SH 5 from SH 121 to CR 375 and budget amendment in the amount of \$3,011,678 for same, Engineering.

Clarence Daugherty, Engineering, said this is a request by TxDOT (Texas Department of Transportation) asking local governments to participate in 10% of the estimated cost of the ROW (Right-of-Way) for the SH5 project from SH121 to the north county line. The estimate provided by TxDOT totaled a little over \$3 million which is itemized by the City of Anna, the City of Melissa and the County for the unincorporated areas. Anna and Melissa have requested the County pay for the shares identified for the cities because it is beyond their budgetary abilities. Mr. Daugherty proposed the funding come from the discretionary bonds left from the 2007 bond program. There is \$7.3 million available to use in addition to \$3.4 million loaned to two cities which should be repaid over the next year.

Mr. Daugherty said there was a question on the projection for the next five years. TxDOT estimates projects closer to present day. However, a list of projects has been compiled based on what TxDOT showed and what Engineering is estimating on what may be required. It is estimated \$4 million will be needed in the next five years; \$1.9 million in various cities and \$2.1 million in the unincorporated area. Over the last five years the County has spent \$7.6 million of which \$5.1 million was spent on city shares and \$2.5 million in the unincorporated area. Another question raised was if there have been other cities who have paid their share for projects without the involving the County. Plano, Frisco, McKinney and Allen collectively have spent approximately \$3.2 million for various projects without involving the County.

Engineering identified several options for the County: 1) pay the cities' shares; 2) decline to pay the cities' shares; 3) loan the money to the cities; or 4) suggest the cities use the SIB (State Infrastructure Bank) which loans local governments funding for these types of projects.

Commissioner Thomas previously spoke with Mr. Daugherty on the fixed price contract which exposes the County to expenses. The Commissioner suggested there be a new contract to better protect the County. Mr. Daugherty recommended the Court not approve the agreement today. He said there are parcels which have been dedicated and city owned parcels which can be dedicated that have not been taken into account in the estimate TxDOT made. Because this is a fixed contract the County would end up paying more than what is needed if the estimates are on target. Engineering would like to get with TxDOT and discuss the idea of: 1) going back to the way TxDOT used to do these agreements which was an agreement based on estimates with a reconciliation of the amounts once the project was completed; or 2) receive a full description of the estimates with backup information in order for the County to determine if it agrees with the way TxDOT estimated the agreement. Mr. Daugherty also recommended the Court not approve the current budget adjustment and suggested the County move the money in a budget adjustment differently than what was originally suggested.

Judge Self spoke with Bill Hale, Chief Engineer for TxDOT, to get his interpretation of the Texas Administrative Code paragraphs. Mr. Hale said this is the reason for the SIB. It is for when entities cannot afford what they have been charged. The Judge said he hopes the estimate is low because if that is all that is estimated to be spent on ROW we are going to be in trouble. The County alone has spent over \$20 million on ROW from the county line to Preston Road for the Outer Loop. Mr. Daugherty said the estimate has nothing to do with the freeways. Whatever the ROW amounts end up being and whatever part of that the County either will be responsible for or chooses to be responsible for is completely in addition to this. It will be more in line with the magnitude of the Outer Loop.

Phillip Sanders, City Manager of Anna, said mobility is a significant issue in Collin County. SH5 is one of the only north-south arterials on the east side of US75. It flows traffic within Collin County and feeds traffic from Grayson County to the north. The \$1.6 million requested from Anna is 22% of the Anna's general fund operating budget for the entire year. In the past Anna has appreciated assistance from the County.

Overall, this is an \$80 million project to build this section of the SH5 arterial. Anna does not want to lose out on the opportunity of the project, but the issue is coming up with the funding within the confines of the revenue the City can generate in a given year. Mr. Sanders hoped the County would consider assisting the City with the funds.

Judge Self said since 2014 the County has fronted or given out \$8 million. Of that, \$5.5 million has been given to Anna. He asked Mr. Hale what he thinks is a fair amount the County should give Anna. Mr. Hale said he is not asking the County to give the money to the City. This is an amount of money reimbursed to TxDOT, none of which would go to the City. The request submitted for \$1.6 million is fair based on the past relationship with the County and the understanding of the importance of mobility projects in Collin County.

Judge Self referred to the options Mr. Daugherty stated earlier and said a 30-year loan payment for Anna from the SIB for the \$1.6 million would be approximately \$93,000 a year. Mr. Sanders said if it was known years ago that there would be no other opportunity for cooperation or partnership with the County on covering these types of matching requirements Anna would have done different financial planning. If this is the case going forward, it will cause the City to alter financial plans retroactively. TxDOT wrote the City in September saying if you want this \$80 million this is what you have to come up with. This is not something Anna can do. Discussion continued on the previous assistance provided to Anna from the County.

Commissioner Williams asked Mr. Daugherty how TxDOT is going to mesh SH5 as a major thoroughfare to the north and a parkway with reduced speed south through McKinney. Mr. Daugherty said SH5 will be a mixed character road through the County. It is one of the few roadways that parallel a freeway and it could have been a good thoroughfare to help circulate the freeway traffic, but because it goes through so many cities its character is mixed. It does have the potential to function as a six-lane major thoroughfare from SH121 north and even down to US380. Projections show traffic growth on SH5 north of US380 will be substantial. South of US380 will not be substantial because it will be restricted which will cause more traffic east and west on US380.

Commissioner Thomas said from looking at the traffic statistics for SH5 north of SH121, the growth of traffic will be substantial so it does appear an expansion of that road will be needed by the time of build out. The Commissioner asked how priorities are set with the limited funds available. Judge Self said the County is five years behind which was due to the recession and the County is trying to allocate funds where it is most needed. We wanted the priorities to be the major highways and the adjacent and adjoining principle arterials. He said SH5 is a reliever road.

Commissioner Thomas asked Mr. Sanders to clarify why a loan from the SIB would not be appropriate for Anna. Mr. Sanders again said if it was known that an SIB loan was the only source of funding for these types of projects, Anna would have factored this into its financial and transportation plan. Anna is looking for the best opportunity and it has been accustomed to having this type of relationship with the County. It is not a matter of not being appropriate. It is a matter of the timing of factoring in \$1.6 million into the debt

service model which was not anticipated. Having a \$7.5 million budget makes it difficult to adjust or find comparable savings.

Jason Little, City Manager of Melissa, said Melissa tries to be a partner in these regional roads by doing the one thing the City can do which is to try to secure the ROW so the corridor is protected. Melissa has acquired 19 properties along the corridor in addition to 18 dedications which will help Melissa's contribution be less than the \$1.1 million. When the schematics for SH5 came out in 2014 TxDOT was estimating construction dollars wouldn't be available until 2028. Last year we found out that TxDOT was going to advance that timeline which did not give much notice to the cities. Judge Self asked what percentage of the ROW Melissa could have for donation. Mr. Little said it is hard to say in terms of percentages, but there may be approximately 100 parcels. There is still a substantial amount of ROW to acquire to meet the needs of TxDOT, but what Melissa has acquired gives Melissa "skin in the game". Judge Self added, the SIB loan payment for Melissa would be \$62,500. Mr. Little said if that is the case they will have to reexamine how to get there, but it will not minimize Melissa's prospective of this priority. Melissa does not want to see this project delayed.

Mr. Sanders echoed Mr. Little's thoughts on acquiring ROW. Anna has done that as well, but does not have as much acquired. Anna does not want to see this project delayed so Anna will regroup if necessary. Judge Self said the County is ready with its portion of the ROW when the cities are ready.

Commissioner Webb said it needs to be determined how much ROW has been contributed and how TxDOT estimated the cost. He also said the agreement needs to say "not to exceed" in order to get the benefit of reduced costs and to have a cap on it. The Commissioner is also concerned with the County being the only signatory on the agreement. One of the provisions of the agreements says the County is on the hook for 100% of the increase in cost in the event of an ordinance or court order that impacts the cost of the acquisition of the ROW. Most of the ROW goes through the two cities which the County has no control over. He is not willing to agree to this provision. Judge Self asked why the County is the only signatory on the agreement. Mr. Daugherty said the only reason it was proposed was if the County was the only one to provide all of the funding. Judge Self said according to Mr. Hale, it is a debt of the city which means they must be on the agreement. Mr. Daugherty said this hasn't been perused in the past but understood the logic and said this will be a moot point if the cities are required to come up with the funding themselves. With no further discussion, the item was held. (Time: 2:16 p.m.)

NO ACTION TAKEN

7. Board/Committee Appointments, Commissioners Court:

a. **AI-44091** McKinney TIRZ No. 1 (Town Center).

COURT ORDER NO. 2017-954-11-20

b. **AI-44092** Farmersville TIRZ No. 1.

A motion as made to appoint Commissioner Thomas to the McKinney TIRZ (Tax Increment Reinvestment Zone) No. 1 Board and the Farmersville TIRZ No. 1 Board. (Time: 2:17 p.m.)

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

COURT ORDER NO. 2017-955-11-20

c. **AI-44115** P3 (Public Power Pool) Board of Directors.

A motion was made to appoint Commissioner Susan Fletcher to the P3 (Public Power Pool) Board. (Time: 2:17 p.m.)

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

COURT ORDER NO. 2017-956-11-20

8. **AI-38983** North Central Texas Council of Governments (NCTCOG) Executive Board monthly update, County Judge.

NO ACTION TAKEN

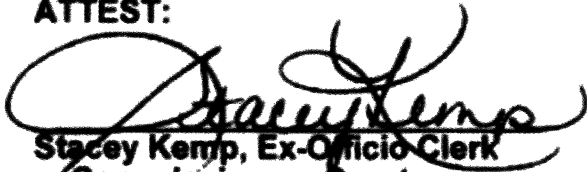
9. Possible future agenda items by Commissioners Court without discussion.

EXECUTIVE SESSION

The Court did not recess into Executive Session. There being no further business of the Court, Judge Self adjourned the meeting at 2:18 p.m.



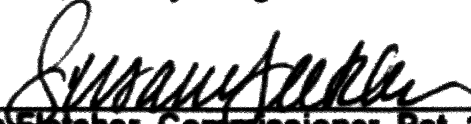
ATTEST:



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



John B. Thomas, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4