

STATE OF TEXAS
COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
DECEMBER 11, 2017

On Monday, December 11, 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 Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner John Thomas, Precinct 3
Commissioner Duncan Webb, Precinct 4

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

1. Judge Self called to order the meeting of the Collin County Commissioners' Court at 1:30 p.m. and recessed the meeting at 1:57 p.m. The meeting was reconvened and immediately recessed into Executive Session at 2:06 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 1:57 p.m. and adjourned the meeting at 1:57 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 1:58 p.m. and adjourned the meeting at 2:05 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-44167 Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. AI-44194 Addendum No. 1 to Construction, Bridge: County Road 613 over Groves Creek (IFB No. 2017-357) to make various changes to the Invitation for Bids, Purchasing.

3. AI-44189 Amendment No. 2 to Frontier Parkway Improvements (AGR No. 2016-229) with Birkhoff, Hendricks & Carter L.L.P. to increase the fee for part B.9 and decrease the fee for part B.7, Engineering.

4. **AI-44089** P-Card Disbursements, Auditor.

5. **AI-44067** County overtime for the pay period ended December 3, 2017, Human Resources.

2. **Public Comments.**

3. **Presentation/Recognition:**

a. **Service Pins, Human Resources.**

4. **Consent agenda to approve:** Judge Self deleted items 4e1 and 4j2 and asked for comments on the remainder of the consent agenda. Commissioner Webb pulled item 4d1. Hearing no further comments, a motion was made to approve the consent agenda. (Time: 1:32 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

a. **AI-44129** Disbursements for the period ending December 5, 2017, Auditor.
COURT ORDER NO. 2017-981-12-11

b. **AI-44161** Indigent Defense Disbursements, Auditor.
COURT ORDER NO. 2017-982-12-11

c. **Advertisement(s):**

1. **AI-44196** Tasers and Accessories (IFB No. 2018-053), Sheriff.
COURT ORDER NO. 2017-983-12-11

d. **Award(s):**

1. **AI-44175** Construction, Bridge: County Road 613 at Groves Creek (IFB No. 2017-357) to Ashlar Contracting Company, budget amendment in the amount of \$31,366 and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Engineering.

Commissioner Webb pulled the item due to a typo in the name of the contractor. A motion was made to approve the item with the correction made. (Time: 1:32 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-984-12-11

2. **AI-44118** Forcepoint Hardware and Software (Contract No. 2017-321) to CDW Government LLC, Information Technology.

COURT ORDER NO. 2017-985-12-11

3. **AI-44173** Wireless, Voice and Data Services (Contract No. 2018-012) to AT&T Corp, Information Technology.

COURT ORDER NO. 2017-986-12-11

4. **AI-44185** Vehicles, Light and Medium Duty Trucks (Contract No. 2018-087A) to Silsbee Ford, Inc., Public Works.

COURT ORDER NO. 2017-987-12-11

5. **AI-44186** Vehicles, Public Safety (Contract No. 2018-039A) to Silsbee Ford, Inc., Public Works.

COURT ORDER NO. 2017-988-12-11

6. **AI-44182** Services, Fencing, Labor & Materials, All Inclusive (IFB No. 2017-363) to Bobby G. Robinson dba Robinson Fence, Public Works.

COURT ORDER NO. 2017-989-12-11

7. **AI-44183** Services, Onsite Grinding, Mulching and Removal of Debris (IFB No. 2017-347) to Camo Farms, Inc., Public Works.

COURT ORDER NO. 2017-990-12-11

e. Agreement(s):

1. **AI-44180** Lease Agreement with RDNPLN, LLC (Frisco Printing & Graphics Center) for property located at 8585 John Wesley Drive, Suite 200, Frisco, Texas for a period of three (3) years beginning January 1, 2018 through and including December 31, 2020, Construction & Projects.

HELD

2. **AI-44195** Sanitary Sewer Easement Agreement to grant an easement to the City of McKinney on County owned property along the south side of Honey Creek, Engineering.

COURT ORDER NO. 2017-991-12-11

f. Ratification of the County Judge's prior approval:

1. **AI-44193** Obtain box culverts from NRG and approval of the Bill of Sale Agreement with Buckthorn Wind Project LLC to pay \$1.00 for the box culverts and budget amendment in the amount of \$5,800 to purchase the equipment necessary for retrieval of the culverts, Public Works.

COURT ORDER NO. 2017-992-12-11

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

1. **AI-44143** \$8,413 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2017-993-12-11

2. **AI-44174** \$72,854 to move funding for two (2) magistration clerks to the Justice of the Peace, Precinct 1 budget, Justice of the Peace, Precinct 1.

COURT ORDER NO. 2017-994-12-11

h. Receive and File, Auditor:

1. **AI-44163** Investment Report (4th Quarter FY2017).

COURT ORDER NO. 2017-995-12-11

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

1. **AI-44164** November 20, 2017.

COURT ORDER NO. 2017-996-12-11

j. Miscellaneous

1. **AI-44085** Acknowledgement of the issuance of the New Hope Cultural Education Facilities Finance Corporation Hospital Revenue Bonds (Children's Health System of Texas Project) Series 2017A, Administrative Services.

COURT ORDER NO. 2017-997-12-11

2. **AI-44139** Recognize the designation of the County Court at Law No. 7 as a Felony DWI/Drug Court as of January 1, 2018 and budget amendment in the amount of \$31,137.50 to establish the budget for same, County Court at Law 7.

HELD

3. **AI-44105** Final Plat for Eisenhower Estates, Lot 1 Block A, Engineering.

COURT ORDER NO. 2017-998-12-11

4. **AI-44191** Re-plat of Lots 13R and 14R of The Hills of Lone Star, Phase 6/East Fork South, Engineering.

COURT ORDER NO. 2017-999-12-11

5. **AI-44142** Amend the Construction Standards to add Carrier ICP AC Systems as a preferred manufacturer specifically for the 900 and 920 Buildings in Plano, Facilities.

COURT ORDER NO. 2017-1000-12-11

6. **AI-43948** Amended list of equipment manufacturers for IT procurement standards, Information Technology.

COURT ORDER NO. 2017-1001-12-11

7. **AI-44181** Amend the FY 2018 Fee Schedule to update fees collected by Public Works effective January 1, 2018, Public Works.

COURT ORDER NO. 2017-1002-12-11

8. **AI-44184** Trimming and removing brush and tree limbs on private property at the northwest corner of CR 581 and CR 579 to restore line of sight visibility for approaching traffic, Public Works.

COURT ORDER NO. 2017-1003-12-11

9. **AI-44207** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-1004-12-11

10. **AI-44208** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-1005-12-11

GENERAL DISCUSSION

5. **AI-44097** **Public Hearing** – Replat of Lots 12R and 13R in the Lone Star Ranch Subdivision, Engineering.

Tracy Homfeld, Engineering, came forward to request a public hearing for the replat of lots 12R and 13R in the Lone Star Ranch Subdivision. Judge Self opened the public hearing at 1:33 p.m. and asked for public comments. Hearing none, he closed the public hearing at 1:33 p.m. A motion was made to approve the item. (1:33 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-1006-12-11

6. **AI-44131** Acknowledge clarification of the Tax Abatement obligations of Owner, TR Legacy Circle, LLC, Budget.

Monika Arris, Budget, said the request is for clarification on the tax abatement agreement. Ms. Arris introduced Murray Jardine of Tier Reit, Inc. Tier Reit acquired 5851 Legacy Circle in Plano in June 2017. Mr. Jardine requested the existing tax abatement agreement, executed in 2012, be amended to acknowledge Tier Reit as the owner and acknowledge basic facts surrounding the ownership and tenancy of the building. A motion was made to approve the item. (Time: 1:34 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Susan Fletcher
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-1007-12-11

7. **AI-44176** Budget amendment in the amount of \$11,786 to pay the Texas Department of Transportation (TxDOT) the remaining balance of the County's 10% Right of Way participation on SH78 at Business 78 to FM6, Engineering.

COURT ORDER NO. 2017-1008-12-11

8. **AI-44172** Budget amendment in the amount of \$306,088 to pay the Texas Department of Transportation (TxDOT) the remaining balance of the County's 10% Right of Way participation on SH78 at Spring Creek Parkway to SH205, Engineering.

COURT ORDER NO. 2017-1009-12-11

9. **AI-44188** Budget amendment in the amount of \$339,500 to reallocate revenues into the appropriate project codes, Engineering.

General discussion items 7, 8 and 9 were discussed together.

Judge Self said these agreements, from 2010 and 2011, were between the County and TxDOT (Texas Department of Transportation). However, when talking with Bill Hale, Chief Engineer for TxDOT, he said the local governments TxDOT considers are the local governments in which the road exists. Those local governments have the obligation to pay for the 10% of the ROW (Right of Way).

In looking at item 7, Grand Heritage MUD (Municipal Utility District) paid the entire \$39,500 originally. TxDOT is asking for an additional \$11,785.80. The Judge said this should go back to the MUD rather than the County.

For item 8, the Court approved an agreement to contribute \$200,002 in 2010 for 10% of the ROW participation on SH78 at Spring Creek to SH205. This was later amended to be \$223,149.40. Now TxDOT wants another \$306,087.66. The Judge said the Court needs to stick with its priorities which are major highways. In looking at the new amount, he broke down what the approximate contributions would be from each local government if the obligation is by where the road resides: Wylie would contribute \$174,000; Lavon would contribute \$21,000; and the County would pay the remaining \$110,000.

Item 9 is a budget agreement. Judge Self said there are cities paying for land and ROW rather than asking the County for help. Lucas is paying \$300,000 toward the land purchase at an intersection where ROW is needed. There is a mixture of ROW and land acquisitions. He doesn't believe TxDOT cares who pays; therefore, if the County wants to continue to pay for all of the ROW for all the roads in the county TxDOT will take the money. However, they understand and their reading of the rules is that obligation belongs in the city in which the road resides and the County is not responsible for all of the ROW.

Judge Self said item 9 needs to be approved. The Court should approach the Grand Heritage MUD for item 7 and for item 8, he would like to address dividing the obligation where it belongs.

Commissioner Williams said the Court has talked about its priorities being highways. In this case it is SH78, which is a top priority. The Court would be very consistent in its discussions by covering the costs on SH78. Commissioner Webb agreed that SH78 is a priority. He said his priority is LARs (Limited Access Roadways) infrastructure and the principle arterials leading to the LARs. Items 7 and 8 fall into that category and he is supportive of them as well as item 9.

Commissioner Fletcher agreed with the Judge on going back to Grand Heritage MUD for item 7. She supports moving forward with the Court's priorities like SH78. Judge Self said the Court needs to figure out a ROW policy/guidance for the cities because the County will not be able to continue purchasing all the ROW.

A motion was made to go back to Grand Heritage MUD for item 7.

Following the motion, discussion continued. Commissioner Thomas agreed the obligation should be where the road resides. If the cities have grown and undertaken more space, they should contribute more money to support it. Commissioner Williams said the Court has never put parameters in place on what constitutes a small city. She agreed moving forward there needs to be a ROW policy to determine what the parameters will be rather than doing it arbitrarily. Commissioner Fletcher agreed and said you have to go back to the percentages at the time of the agreement.

Commissioner Webb has heard from several public officials from Wylie that the City does not want LARs. This concerns the Commissioner because they want help with their roads. He is hesitant in continuing to put money in cities when the biggest priority for the County long-term is to get LARs on the map. Commissioner Williams said there are cities opposed to LARs, but Wylie is not one of them. They have encouraged additional planning and options and have been very proactive in working with COG (Council of Governments).

Following the discussion, the motion was seconded. (Time: 1:48 p.m.)

Motion by: Judge Keith Self

Second by: Commissioner Cheryl Williams

Vote: 5 – 0 Passed

A motion was made to approve item 8. Discussion continued on how the County moves forward with precedence if the item is approved. Commissioner Williams is concerned with changing policy without warning. If there is going to be a change the Court needs to give advance warning for the cities to know that in the future they will have to address the ROW obligation. The Judge believes this is an opportunity to emphasize the Court's priorities.

Following the discussion, the motion was seconded by Commissioner Webb who said moving forward he will be hesitant in approving new deals without a policy advising the city on the County's expectations. Judge Self added the County fulfilled its agreement, this is cost beyond the agreement. Clarence Daugherty, Engineering, said the agreement did include settling up afterwards. Per the agreement the County is obligated. With no further discussion, the motion carried. (Time: 1:56 p.m.)

Motion by: Commissioner Cheryl Williams
Second by: Commissioner Duncan Webb
Vote: 4 – 1 Passed
Nay: Judge Keith Self

A motion was made to approve item 9. (Time: 1:56 p.m.)

Motion by: Commissioner Duncan Webb
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-1010-12-11

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

Judge Self would like to come up with a ROW purchase policy. Commissioner Thomas would like to see specific prioritization of roads in the county to avoid confusion with the cities. (Time: 1:57 p.m.)

EXECUTIVE SESSION

Judge Self recessed the Commissioners' Court into Executive Session at 2:06 p.m. in accordance with Paragraph 551.071, Legal to discuss the EEOC (Equal Employment Opportunity Commission) conciliation agreement proposal relating to Ronald Welch.

Judge Self reconvened the meeting at 3:03 p.m.

Legal (551.071)

AI-44135 EEOC conciliation agreement proposal relating to Ronald Welch, Human Resources.

NO ACTION TAKEN

There being no further business of the Court, Judge Self adjourned the meeting at 3:03 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