

An order of the Commissioners Court approving the filing of the March 6, 2023 minutes.

On Monday, March 6, 2023, 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 Chris Hill
Commissioner Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Darrell Hale, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Hale led the Invocation.
Judge Hill led the Pledge of Allegiance.
Commissioner Webb led the Pledge of Allegiance to the Texas Flag.

Judge Hill called to order the meeting of the Collin County Commissioners Court at 1:30 p.m. The meeting was recessed at 1:33 p.m. and reconvened at 1:33 p.m. Judge Hill recessed into Executive Session at 1:33 p.m. and reconvened at 4:07 p.m. The meeting adjourned at 4:28 p.m.

President Hill called to order the meeting of the Collin County Health Care Foundation at 1:33 p.m. and adjourned the meeting at 1:33 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-53662 Acceptance of the Diversion Alternative Plan Grant, through the Texas Juvenile Justice Department in the amount of \$45,900, Juvenile Probation.

FYI NOTIFICATION:

1. AI-53649 Intra-County account transfers transmitted on February 16, 2023, Auditor.
2. AI-53663 Voluntary terminations, Human Resources.

3. AI-53664 Turnover, Human Resources.

4. **Notification of budget adjustment(s)/amendment(s):**

a. AI-53640 \$18,510,840 for FY2022 negative expenditures, Auditor.

COMMISSIONERS COURT BUSINESS:

Public comments related to an item on the Agenda.

1. **Consent Agenda Items:** Judge Hill asked for comments on the consent agenda. Commissioner Hale pulled item 1k4. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:32 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 5-0: Passed

Judge Hill recessed Commissioners Court at 1:33 p.m. and called to order the Health Care Foundation. The meeting was reconvened at 1:33 p.m. p.m.

a. AI-53641 Disbursements for the period ending February 28, 2023, Auditor.

COURT ORDER NO. 2023-166-03-06

b. AI-53642 Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2023-167-03-06

c. AI-53655 Tax refunds totaling \$145,465.47, Tax Assessor-Collector.

COURT ORDER NO. 2023-168-03-06

d. Advertisement(s):

1. AI-53601 Bonds for Elected Officials (RFP No. 2023-168), Human Resources.

COURT ORDER NO. 2023-169-03-06

e. Award(s):

1. AI-53667 General Road, Reconstruction & Improvements (IFB No. 2023-123) to various vendors, Public Works.

COURT ORDER NO. 2023-170-03-06

f. Amendment(s):

1. **AI-53622** No. 2 to Temporary Personnel Services (Contract No. 2020-214) with Smith Temporaries, Inc. d/b/a Cornerstone Staffing to extend the contract for one (1) year through and including March 31, 2024, increase the hourly rate for temporary employees, and further authorize the Purchasing Agent to finalize and execute same, Human Resources.

COURT ORDER NO. 2023-171-03-06

2. **AI-53666** No. 4 to Professional Services, Architectural, Adult Detention Center Assessment and Design Services (RFQ No. 2019-021) with Brinkley Sargent Wiginton Architects, Inc. to reimburse the County in the amount of \$18,281.32, and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2023-172-03-06

g. Change Order(s):

1. **AI-53661** No. 1 to Replace Chilled Water Pumps at Courthouse (Coop Quote 2023-149) with Johnson Controls, Inc. to add funds to project and further authorize the Purchasing Agent to finalize and execute same; budget amendment in the amount o \$10,155, Facilities.

COURT ORDER NO. 2023-173-03-06

2. **AI-53665** No. 11 to Construction, Collin County Adult Detention Facility, Phase 1 Addition (IFB No. 2021-239) to Ratcliff Constructors, L.P. to provide various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Construction & Projects.

COURT ORDER NO. 2023-174-03-06

h. Contract Renewal(s):

1. **AI-53648** Chilled Water Testing Services Equipment & Supplies (Contract No. 2020-429) with Garratt-Callahan Company to extend the contract for one (1) year through and including May 1, 2024, Facilities.

COURT ORDER NO. 2023-175-03-06

2. AI-53623 Temporary Personnel Services (Contract No. 2020-214) with Howroyd-Wright Employment Agency Inc. d/b/a AppleOne Employment Services to extend the contract for one (1) year through and including March 31, 2024, Human Resources.

COURT ORDER NO. 2023-176-03-06

3. AI-53647 Equipment, Rental: Inclined Screener with Rinser (IFB No. 2022-192) with ROMCO, Inc. to extend the contract for one (1) year through and including April 17, 2024, Public Works.

COURT ORDER NO. 2023-177-03-06

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

1. AI-53657 \$9,855 for the purchase of twenty-seven Ingenico Lane 3000 credit card processing machines, Information Technology.

COURT ORDER NO. 2023-178-03-06

2. AI-53645 \$400,000 for consumables for the May and November elections, Elections.

COURT ORDER NO. 2023-179-03-06

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

1. AI-53650 February 6, 2023.

COURT ORDER NO. 2023-180-03-06

k. Miscellaneous:

1. AI-53659 Redesignation of Private Road 5859 as Fast Lane and Private Road 5860 as Monza Blvd., GIS/Rural Addressing.

COURT ORDER NO. 2023-181-03-06

2. AI-53656 Rescind award (Court Order 2022-1288-12-05) for Congressman's Office Space Renovations, Admin Building (Coop JOC Quote No. 2023-131) to Native Consolidated Management, LLC d/b/a Native Construction, Purchasing.

COURT ORDER NO. 2023-182-03-06

3. AI-53670 Personnel Appointments, Human Resources.

COURT ORDER NO. 2023-183-03-06

4. AI-53671 Personnel Changes, Human Resources.

Commissioner Hale congratulated the following County employees receiving promotions this week: Loretta O’Gara, Melissa McCullough, and Austin Duke. With no further comments, a motion was made to approve this item. (Time: 1:32 p.m.)

Motion by: Commissioner Darrell Hale
Second by: Commissioner Susan Fletcher
Vote: 5-0: Passed

COURT ORDER NO. 2023-184-03-06

2. **Executive Session Items:** Judge Hill recessed Commissioners Court into Executive Session at 1:33 p.m. under Chapter 551.071, Legal, and Chapter 551.074, Personnel, in the Local Government Code. The meeting was reconvened at 4:07 p.m.

Legal (551.071)

AI-53693 Pickrell et al v. Collin County, Texas et al 3:22-cv-02425-D, Administrative Services.

NO ACTION

Personnel (551.074)

AI-53694 Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of an employee, Human Resources Talent Acquisition Coordinator.

NO ACTION

Public Comments not related to an item on the Agenda.

Judith Dishong, Plano, said last October she spoke to the Court about the audit on the 2020 election to find out when the results would be released. She called various offices around the state to check on the status as well, but she was unable to get an answer. Finally, a reporter from the Dallas Morning News told Ms. Dishong the results would not be released until after the election. In the meantime, she said there were election deniers coming to speak at Commissioners Court every week. When the results were released in December, Collin County was singled out as the “gold standard.” Ms. Dishong hoped this would help in moving on from the election fraud issue. However, she is still concerned due to her hearing the Elections Administrator, Bruce Sherbert, is leaving and his replacement has already been identified. Although Ms. Dishong doesn’t know anything about the person replacing Mr. Sherbert, she hopes they will continue the same work Mr. Sherbert has done in leading Collin County to being the “gold standard” for elections. Ms. Dishong is also concerned about voter suppression due to the requirement to have a driver’s license to vote. She said the DMV (Department of Motor Vehicles) is exceedingly backlogged, and it takes a long

time to get an appointment to get a license. Additionally, Ms. Dishong was told by some of her friends involved in the recent election that there were problems at the voting sites. For example, in Plano, all the election judges were republicans. At Settler's in McKinney, another friend told her other events were scheduled during voting which took up the parking lot so voters had difficulty getting in to vote. Ms. Dishong said she is also concerned about the Legislature passing laws making non-intentional mistakes in voting a felony.

Judge Hill said he is a member of the Elections Commission which is a board specifically for the purpose of hiring or terminating the Elections Administrator. The Commission has neither terminated nor accepted any resignation from the current Elections Administrator, nor have they hired a successor.

JD Eubank, McKinney, said he came to speak again on Segments C and D of the US 380 bypass. Two weeks ago, he discussed the errors in the updated segment analysis report by TxDOT. Today Mr. Eubank wanted to highlight one of the most egregious errors from the analysis. He presented an enlarged map from the segment analysis showing displacements along the highway. It shows an inconsistency in TxDOT's criteria. Some homes closer to the proposed highway were not considered displacements, whereas others farther away were considered displacements which doesn't make sense. While attending the second public hearing, TxDOT stated their decision regarding Segments C and D was "50/50" and one of the hardest they have made because they were unsure which segment would be the better option. Mr. Eubank presented the errors in their analysis in hopes it would make enough of a difference to change their decision. He spoke to the engineers involved with the decision making and discovered they were not aware of the number of residences and businesses along and surrounding Segment C compared to the number surrounding Segment D. He also asked the TxDOT engineers to identify the criteria from the analysis which carried the most weight for their decision making. He said one of the engineers walked over to the poster for page 7 and pointed to the part of the matrix for "stakeholder agency and public input – City of McKinney, Town of New Hope, Town of Prosper, Collin County, Texas Parks and public input". There are examples throughout the entire process where TxDOT's decisions were influenced by input from local governments. Mr. Eubank asked the Court again to oppose Segment C considering the substantial number of residents and businesses impacted as well as the negative effects on the environment.

Karen Thompson, McKinney, came to speak against Segment C for the US 380 bypass. She and her husband own Bellemeade Farm which is on the intersection of Woodlawn (CR 331) and FM 2933 where new sewer lines are currently under construction. Her family feels as if they have a bullseye on their farm between the sewer lines being laid in one area of their property and the other side being impacted by the proposal of Segment C. While attending the second TxDOT public hearing, she asked the consultants how they were going to deal with the new sewer lines being laid in the area near Segment C. She said they had no answer for her other than TxDOT being surprised to hear of the sewer lines being laid in the area. Additionally, Ms. Thompson said the consultant admitted he had never actually seen the land. He relied on maps which were outdated and inaccurate. She said one of the many concerns of residents is the

TxDOT cost analysis which did not take into account the added cost for Segment C due to these new sewer lines being laid as well as the impact to a major water line which is the only source of water for all the farms and homes in the area. This Court made a stand on the western portion of the bypass, and Ms. Thompson asked the Court to take a stand for the eastern portion against Segment C.

Paul Borchard, McKinney, echoed the comments made earlier by his neighbors regarding the negative impacts from Segment C. He attended a TxDOT meeting and asked one of their engineers why the decision switched from D to C since there was a change in the recent analysis from what was reported in the feasibility study. Mr. Borchard said the engineer told him he did not have a specific compelling reason why they made the switch. When Mr. Borchard spoke with another engineer not involved on the 380 project, the engineer said the chief reasons for choosing one segment over another for these kinds of projects is the input received from local governments. Mr. Borchard challenged the Court to make a statement opposing Segment C since it affects more businesses and residences.

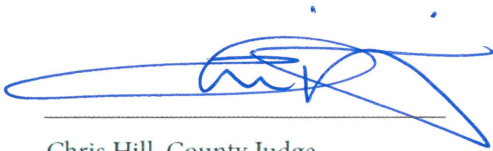
Commissioner Fletcher said it is important to point out the Court made a comment on the western side during the bypass comment period when TxDOT wanted to hear from local governments. Now TxDOT has closed their comment period and Collin County was advised any statements from them would not be taken into account in TxDOT's decision making.

Mary Borchard, McKinney, said she understands the Court's hesitancy to make comments because there is a fear they won't matter. However, she said the Court won't know until they actually make a comment. Ms. Borchard spoke with State Representative Jeff Leach's office, and she was told he was meeting with TxDOT today. Therefore, it does appear TxDOT is still be taking input from local officials. She noticed the criteria when deciding between Segments A verses B and Segments C verses D, TxDOT used different reasons. For the western side, TxDOT seemed more concerned with reducing the impact to and displacement of residents as well as being able to utilize more of the existing US 380. However, she said if this criteria was applied to the eastern side then Segment D would have been chosen since it utilizes more of US 380 would affect fewer homes. She listed reasons TxDOT used for choosing Segment C over D which are from the feasibility study that was used when they initially chose D over C. She said it seems these are not the real reasons why Segment C was chosen.

Joe Borchard, McKinney, said he is not represented by the City of McKinney. He is only represented by Collin County. He previously requested the County to object to Route C and endorse Route D on the US 380 bypass to minimize the impact to residents. He said, when he attended both TxDOT public meetings, he was unable to get a clear answer as to why Route C was chosen over Route D. He spoke to the lead TxDOT engineer on the project regarding the inconsistencies in the criteria used in choosing between Routes A and B and between Routes C and D. He said the lead engineer went silent and then said the decision has been made. When pressed about the reasons why TxDOT would hold a meeting if they've made up their minds, the engineer admitted it isn't really final, and there is a chance for a change. Mr.

Borchard said it seems TxDOT is saying the decision has been made as a smoke-screen to avoid local governments and others from speaking up and expressing opinions. It seems TxDOT realizes their reasons for selecting Segment C over D are based on weak, inconsistent data with arguments which cannot be defended. Although the County has been advised their input does not matter, Mr. Borchard said it actually might have an impact. Furthermore, it would be better for the County to be on record objecting to the route with the most impact to residents and endorse the one with the least impact to residents and he asked the County to take a stand. (Time: 4:28 p.m.)

With no further comments, Judge Hill adjourned the meeting at 4:28 p.m.



Chris Hill, County Judge



Darrell Hale, Commissioner, Pct 3



Susan Fletcher, Commissioner, Pct 1



Duncan Webb, Commissioner, Pct 4



Cheryl Williams, Commissioner, Pct 2



ATTEST: Stacey Kemp, County Clerk