

STATE OF TEXAS

COUNTY OF COLLIN

COMMISSIONERS' COURT
MEETING MINUTES
MARCH 13, 2017

On Monday, March 13, 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 Chris Hill, Precinct 3
Commissioner Duncan Webb, Precinct 4

Commissioner Susan Fletcher led the Invocation.
Commissioner Cheryl Williams led the Pledge of Allegiance.
Commissioner Chris Hill 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 2:18 p.m. The meeting was reconvened and immediately recessed into Executive Session at 2:19 p.m. The meeting was reconvened at 4:19 p.m. and recessed at 4:29 p.m. Commissioner Fletcher reconvened the meeting at 6:00 p.m. and adjourned the meeting at 6:42 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 2:19 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:19 p.m. and adjourned the meeting at 2:19 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-42856 Personnel Appointments, Human Resources.

FYI NOTIFICATION

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

2. **Public Comments.**

3. Presentation/Recognition:

a. Service Pins, Human Resources.

Lynne Finley, District Clerk, presented Enedina Cummins, Deputy District Clerk II, with a service pin for her 10 years of dedicated service to Collin County. (Time: 1:31 p.m.)

4. Consent agenda to approve: Judge Self pulled items 4g1-3 and asked for comments on the remainder of the consent agenda. Commissioner Webb pulled 4g2. Commissioner Hill pulled four indigent defense disbursements – check numbers: 451695, 451568, 451681 and 127. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:32 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Chris Hill

Vote: 5 – 0 Passed

a. AI-42831 Disbursements for the period ending March 7, 2017, Auditor.

COURT ORDER NO. 2017-165-03-13

b. AI-42874 Indigent Defense Disbursements for the period ending February 28, 2017, Auditor.

Commissioner Hill said after looking over the disbursements in detail and meeting with Jeff May, County Auditor, four checks remain a mystery as to whether or not the invoiced amounts fall within the fee schedule. The Commissioner recommended holding the four checks until Mr. May can receive clarification from the Judges to determine whether or not they fall within the fee schedule. Mr. May said he is waiting to hear back from the Judges on three of the checks. The fourth check, number 451568, will be reissued on next week's agenda. The amount of the check is correct, but the allocation needs to be corrected for the disbursement list. With no further discussion, the four checks were held. (Time: 1:36 p.m.)

The remainder of the indigent defense disbursements was approved with the consent agenda.

COURT ORDER NO. 2017-166-03-13

c. AI-42794 Tax refunds totaling \$2,178,135.23, Tax Assessor/Collector.

COURT ORDER NO. 2017-167-03-13

d. Agreement(s):

1. AI-42818 Memorandum of Understanding (MOU) with the U.S. Department of Justice, United States Marshals Service Eastern District of Texas (78) for the Violent Offender Task Force (VOTF), Sheriff.

COURT ORDER NO. 2017-168-03-13

e. Amendment(s):

1. **AI-42828** \$300 to reallocate funds to cover the expenses for supplemental training pay, Sheriff.

COURT ORDER NO. 2017-169-03-13

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

1. **AI-42833** February 20, 2017.

COURT ORDER NO. 2017-170-03-13

g. Miscellaneous

1. **AI-42838** Exemption to the bid process per VTCA Local Government Code 262.024 (4), a personal or professional service, for McGinnis, Lochridge & Kilgore, L.L.P. for legal services and further authorize the Purchasing Agent to finalize and execute the agreement, Auditor.

Judge Self said there are 19 attorneys now involved in this process of which the County is paying nine. With no further discussion, a motion was made to approve the item. (Time: 1:36 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Duncan Webb
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-171-03-13

2. **AI-42817** Procurement of equipment and professional services from Dell EMC to purchase and install an Avamar M600 unit and migrate existing backup jobs and schedules for the current Data Domain backup and budget amendment in the amount of \$25,000 for same, Information Technology.

Commissioner Webb was concerned that budget amendments like this one are not going through the same due diligence as those submitted in a budget packet by a department for a new fiscal year budget. The Commissioner said he had asked Budget if this item would be recommended if submitted for FY2018 to which Budget confirmed it would be recommended. IT will use \$25,000 in savings from FY2017 to accelerate the data backup project because the equipment is at capacity. With this information, Commissioner Webb was satisfied he could support the item.

Judge Self was concerned because the \$25,000 budget amendment request had no backup on the need or on the equipment. Monika Arris, Budget, said the item was vetted thoroughly going through the normal budget process. IT has completed several projects which have left savings in the FY2017 budget; therefore, IT will be looking at their FY2018 requests to see if any projects can be done now, all of which will go through the normal budget process.

Ms. Arris said she will have IT include backup information in the court packets going forward. Commissioner Webb does not want to see the FY2017 budget expanded with budget amendments. Ms. Arris said the budget itself is not expanding; the actuals are expanding. Judge Self asked Ms. Arris to explain the following sentence from the item request cover sheet: "Maintenance is budgeted in Non Departmental each year and is expected to increase due to the new equipment in FY2018, but cost increase is unknown at this time." Ms. Arris said it is a nominal increase which is anticipated, but at this time the vendor does not have the exact cost determined. Currently there are four units the County is paying maintenance on; however, approval of this item will reduce the units to one. While the maintenance will increase from this year to next year it would cost more if the four units are not replaced. Steve Ganey, IT, explained IT will be adding a fifth unit in order to transition off the other four units. The architecture of the platform for these units has changed which means IT can eliminate the redundant units and maintenance costs with the new unit. He said vendors like to increase maintenance costs to get customers off one platform and onto another. Mr. Ganey said the Court will see the storage piece for this project in the FY2018 budget. With no further discussion, a motion was made to approve the item. Commissioner Fletcher did not participate in the vote. (Time: 1:44 p.m.)

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

COURT ORDER NO. 2017-172-03-13

3. AI-42807 Acceptance of the donation of a new MPH Industries Speed Laser (Serial: 500948) from Dodge City (McKinney) to be used by the Collin County Sheriff's Office, Traffic Division, Sheriff.

Judge Self asked if the item is a donation or a loan. Jim Skinner, Sheriff, confirmed this is a donation of a laser device used to measure speed. The traffic unit will use it on commercial motor vehicles which are becoming a problem. Monika Arris, Budget, said the speed laser has been put on the do not replace list. With no further discussion, a motion was made to approve the item. (Time: 1:45 p.m.)

Motion by: Judge Keith Self
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

COURT ORDER NO. 2017-173-03-13

4. AI-42857 Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-174-03-13

5. AI-42858 Personnel Changes, Human Resources.

COURT ORDER NO. 2017-175-03-13

GENERAL DISCUSSION

5. AI-42798 Presentation regarding current park uses, needs and future planning, Special Projects.

HELD

6. AI-33858 RTC monthly update, Commissioner, Precinct 2.

Commissioner Williams updated the Court on the last RTC (Regional Transportation Council) meeting. The RTC approved the use of Transportation Development Credits as the local match for the completion of the environmental documentation for the high-speed rail line between Dallas and Fort Worth. The rail line will include one stop in Arlington so long as Arlington has a connection to the airport. If there is no connection to the airport there will be no stop in Arlington. The East/West funding distribution was approved as a result of the FAST (Fixing America's Surface Transportation) Act which resulted in no change. Approval was given for staff to submit correspondence to the Texas Governor and Attorney General with recommendations for the approximately \$2.9 billion Volkswagen mitigation trust fund for the United States. There will be approximately \$209 million allocated to Texas. The request is to fund those dollars back to nonattainment areas. If the funding methodology is accepted it would result in approximately \$63 million for NCTCOG (North Central Texas Council of Governments) to use on efforts to reduce emissions. A resolution was passed in support of the Texas entry in the Hyperloop One Global Challenge. A Texas entry was selected as a semifinalist from a pool of 2,600 entries and is competing for finalist status. The RTC approved the partnership with DART (Dallas Area Rapid Transit) to assist with DART's TRIP (Transit Related Improvement Program) and increase the RTC's local funding pool. As part of the partnership, DART and the RTC will each contribute half the funds for TRIP in two increments. The RTC will contribute \$10 million in federal dollars in each increment in return for \$10 million in local dollars in each increment. A request for information was approved to answer questions on the feasibility of the People-Mover technology.

For the first time the FAST Act is allowing funding to be used for critical freight corridors. Texas has indicated it would like to identify approximately 100 miles per year. The RTC staff suggested routes which included US78. Commissioner Williams said there was much concern regarding the possible reduction of the \$5 billion for transportation in Propositions 1 and 7 to \$2.5 billion in which the remainder would be put in a dedicated fund but not appropriated in order to balance the budget. It was suggested for counties to communicate with Legislators that this is not desirable. (Time: 1:54 p.m.)

NO ACTION TAKEN

7. AI-42773 Conference of Urban Counties update, Commissioner, Precinct 3.

Commissioner Hill gave an update on the CUC (Conference of Urban Counties) Policy Committee meeting held on March 8, 2017. The meeting was to consider new policy proposals to add the policy statement. There were 19 recommended resolutions, all of which were passed. The Commissioner brought attention to the following resolutions:

Consider Increasing the School Homestead Exemption – There is a House Bill that would allow for the homestead exemption on independent school district taxes to be significantly increased in Texas. It would take the exemption from \$25,000 to \$71,000. The CUC staff recommended supporting this measure knowing property tax relief would come to the citizens from the school district budgets. As a way to balance this, the second part of the proposal was for any funds school districts lose due to the exemption to be made up by the Rainy Day Fund. Commissioner Hill was the only one to vote no on this resolution. He voted no because he did not want to see counties singling out school districts to bear the burden and because he did not want to dip into the Rainy Day Fund.

Zero-Based Budgeting – This resolution was brought forward to oppose zero-based budgeting. Commissioner Hill was again the only one to vote no on the resolution.

Consider a Prohibition of Unfunded Mandates – HJR 73 would prohibit unfunded mandates on counties. The committee voted unanimously to support the position and to add it to the policy statement.

Establishment of Unified Primary Elections in Texas – If passed HB 1996 would provide for a unified primary system like in Louisiana which is a nonpartisan setup. Regardless of party, all candidates would run in the same primary. The top two candidates would go on to the general election. Commissioner Hill made a motion to oppose the bill. There was significant discussion on this matter followed by the motion passing with a few exceptions.

District Judge Compensation for Extrajudicial Services – HB 1765 and SB 824 addresses the compensation of district judges in counties of 750,000 or more. The bills provide that compensation for extrajudicial services is not to be considered for purposes of statutory salary cap for district judges. The measure adopted by the CUC Policy Committee opposes provisions to allow going over the cap unless commissioners' courts have the authority to speak into the discussion. It is undetermined if the compensation over the cap would be at the cost of the state or the county. This passed unanimously.

Discussion of Ethics Legislation – Commissioner Hill originally made a motion to support this resolution during the February 8, 2017 meeting, but the motion failed for lack of a second because some believed the bill was too punitive on elected officials who broke the law. One measure in the bill says an elected official who commits a felony and is convicted loses their taxpayer portion of their pension.

The resolution was brought back to the March 8, 2017, meeting where there was a significant briefing on SB 14. SB 14 passed the Texas Senate 31-0. Commissioner Hill made a motion to support the resolution and again it failed for lack of a second. Some thought it was unfair to single out lobbyists as an industry and profession with increased scrutiny.

Discussion of the Proposal by House Ways & Means Chairman for Revenue Caps on Cities and Counties – Commissioner Hill said there will be hearings on this bill next week. He pointed out one measure of the bill which requires local governments to annually publish a “No New Taxes Maintenance and Operations Rate”. This renames the Effective Rate to give more clarity to the people. Another measure to the bill is it will restrict debt service taxes to debt approved by voters. Therefore, if general obligation debt is not taken to the voters it will have to be included in the Effective Rate calculation.

Consideration of Webb County Support Items – There were three proposals being pursued by Webb County in this legislative session two of which were passed unanimously by the Policy Committee. The first was a resolution to expand the Open Meetings Act to include a gathering of two or more district judges performing management or administrative functions. The second was a resolution to support allowing the salaries, set by district judges, for the County Auditor and the Auditor’s assistants to be consistent with locally adopted pay plans.

Commissioner Williams urged Commissioner Hill to take the idea of supporting efforts for legislation requiring a local fee schedule for guardian ad litem and minimum standards for attorneys like the Fair Defense Act.

Commissioner Webb said there is a new bill that, if passed, would require all counties to inspect and issue a license for all home businesses involved in food services within the entire county. If this bill were to pass it would increase Developmental Services’ staff budget dramatically. Commissioner Webb will get the bill number for the Court.

Commissioner Hill said if the Court as a whole would like to carry any of the efforts forward, he will take them to the Policy Committee. (Time: 2:14 p.m.)

NO ACTION TAKEN

8. AI-42580 85th Legislative Agenda for 2017, Commissioners Court.

a. **AI-42824** SB 292 Creation of a grant program to reduce recidivism, arrest, and incarceration of individuals with mental illness.

NO ACTION TAKEN

b. **AI-42872** HB 1620 Voluntary temporary caregiver program providing temporary care for children removed from their homes.

There was discussion on the term “voluntary” and the costs to the caregiver and county associated with the bill. The bill states a voluntary temporary caregiver with whom a child is placed under this section is not entitled to any reimbursement for the care the caregiver provides for the child. The temporary placement will be for no more than 14 days after the

date the child is removed from the child's home. It is believed the costs for care such as medical care will fall under the typical foster care program because the child will be a ward of the state once removed from their home. Commissioner Webb is supportive of passing a resolution as long as no costs are passed to the county. With no further discussion, a motion was made to pass a standard resolution in support of HB 1620. (Time: 2:17 p.m.)

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

COURT ORDER NO. 2017-176-03-13

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

Judge Self would to discuss the bill affecting Developmental Services. Commissioner Fletcher would like a resolution drafted in support of SB14. (Time: 2:18 p.m.)

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:19 p.m. under Paragraph 551.071, Legal to discuss the ramifications of Sheriff's Office legal issues and Jeffery Blackard v. Kent A. Schaffer, et al., Cause No. 380-00320-2017.

Judge Self reconvened Commissioners' Court at 4:19 p.m.

Legal (551.071)

AI-42812 Ramification of Sheriff's Office legal issues, Sheriff.

NO ACTION TAKEN

AI-42847 Jeffery Blackard v. Kent A. Schaffer, et al., Cause No. 380-00320-2017, Commissioners Court.

Without violating attorney-client privilege, Judge Self said the Court has two opportunities to provide briefs or waiver letters. The first opportunity is because Jeffery Blackard has taken the previously paid bills to the Texas Supreme Court asking them to overturn the Court of Appeals decision not to intervene. If the Texas Supreme Court were to hear the case it would be done next summer.

Judge Self recommended submitting a waiver letter at this time, leaving it up to the Texas Supreme Court as to whether or not they take the case. If the case is heard, the Court will submit a brief. The Court was in agreement.

The second opportunity is to participate in the bills which are currently stayed. At this time the Court cannot consider or pay those bills. Mr. Blackard has gone to the Court of Appeals in order for them to hear the decision by Judge Mark Greenberg, Dallas County Court at Law No. 5, that he did not have jurisdiction and would not interfere with a trial

court. There are three options: 1) a noncommittal response saying the Court would accept the Court of Appeals making their own decision; 2) a brief in support of Judge Greenberg not having jurisdiction and that it would be improper for the Court of Appeals to rule on this case; or 3) a brief stating Judge Greenberg does have the jurisdiction and to ask for a full trial on the merits of the case.

The case is against the Commissioners' Court on prospective action the Court might take being illegal. Commissioner Hill said Mr. Blackard is seeking action under the doctrine of taxpayer review of prospective or possible expenditures of public funds. Mr. Blackard has been unsuccessful in challenging the payment of funds after the fact; therefore, he must do so prospectively by enjoining the Court from paying the bills he believes are illegal. If there is a doctrine for taxpayer review of illegal expenditure of funds there has to be a time and a place appropriate for a taxpayer to file a challenge. Commissioner Hill recommended the Court take the position that Mr. Blackard should have the opportunity to challenge the bills and the Court of Appeals should send the case back to Judge Greenberg to provide a day in court. The Court agreed on the third option. (Time: 4:29 p.m.)

Judge Self recessed Commissioners' Court at 4:29 p.m.

Commissioner Fletcher reconvened Commissioners' Court at 6:00 p.m. Judge Self was not in attendance.

10. AI-42851 Public Hearing - Discussion of the results of a study evaluating the potential economic effects of converting US 380 in Collin County to a limited access roadway, Engineering.

Clarence Daugherty, Engineering, came forward to introduce Ray Perryman, Ph.D., President and CEO of The Perryman Group, to give a presentation on potential economic effects of converting portions of US380 to a LAR (Limited Access Roadway). US380 from US75 to Denton County line was used as a test case to compare the economic impact of LARs versus six-lane thoroughfares. The information coming from the test case will be transferable to other corridors in Collin County.

Dr. Perryman said part of the process for this test case was to obtain information from the Central Appraisal District on every parcel of land on the corridor to see how the area is zoned. A review of the comprehensive plans for the area was performed and meetings were held with citizens and cities to gain input.

The area has seen tremendous growth in population and economy. Since 2000 the national population has grown by 14%, Texas by 32%, Dallas metropolitan area by 36%, Collin County by over 80%, McKinney by 200%, Frisco by 350% and Prosper by 600%. McKinney and Frisco are rated as two of the top ten fastest growing cities in the nation. Congestion, which is already an issue, will become even more significant.

The Perryman Group analyzed potential economic growth and land-use patterns under two scenarios: 1) if US380 remains in its current structure as primarily a six-lane roadway;

and 2) the potential situation resulting from US380 being converted to a LAR. The conversion to a LAR was found to have significant economic and fiscal benefits. If this corridor of US380 were converted to a LAR, there would be a notable increase in economic indicators including estimated gains as of 2040 of \$14.8 billion in real gross product and almost 75,900 jobs. There would be a 60% increase in employment and a 170% increase in output. This has to do with the kind of economic development on the corridor because there will be a trade of retail, warehouse and housing for office space that houses a higher value added activity. Meaning there will be a higher output rate per worker on a LAR than on a six-lane divided roadway.

With a LAR there will be moderate displacement of businesses on the corridor which is expected but should be considered. There will be changes in development patterns with a substantially greater concentration of office space and less single-family housing. The addition of activity that comes with a LAR will generate a notable increase in sales tax, property tax and various other taxes. Economically, US380 as a LAR would be beneficial for Collin County.

Commissioner Fletcher opened the Court for public comments at 6:18 p.m.

Scott Elliot, McKinney, said he is in favor of alternatives for US380, but is opposed to any of the bypass options. He would like to see accelerated construction on the Outer Loop and arterial roadways.

Janet Anders, McKinney, came forward to speak against bypass options, but supports building over and under US380 where possible, continued construction of the Outer Loop and expansion of the arterial roads. She lives in the Walnut Grove neighborhood within the ETJ (extraterritorial jurisdiction) located off of US380 and Custer Road. Ms. Anders is concerned with the quality of life in McKinney and the County as a result of bypass options. Bypass options will eliminate her neighborhood as well as natural land and parks.

Mike Giles, McKinney, said self-driving cars may eliminate some of the traffic issues on US380. A big problem is the through-traffic. Mr. Giles would like to see the Outer Loop completed and Bloomdale Road and Wilmeth Road as six-lane roads from Custer Road to the east side of McKinney which would move through-traffic off of US380.

Commissioner Fletcher read the names of the citizens who were opposed to the US380 bypass options but did not wish to speak: P. Standish, Tommie Rosene, Melinda Pierce, Gary Pierce, Jan Clare, Lynette Terrell, Tim Anders and Mike Bell all of McKinney.

Commissioner Fletcher closed the Court for public comments at 6:30 p.m.

Commissioner Webb questioned whether or not people will travel the six miles north to the Outer Loop just to head west. He said the Outer Loop will need to be completed but does not believe it will solve the US380 issue. TxDOT (Texas Department of

Transportation) is in the process of analyzing corridors to find out if the Outer Loop will provide any relief to US380.

Discussion continued on using the US380 test case on other corridors in the County. Dr. Perryman said the relative ratio from the test case will hold up well with other six-lane corridors especially those in the southern and settled northern areas of Collin County. There was question on the timeframe of displacement that comes with a conversion. Dr. Perryman said displacement happens in segments and is typically not a long period of time. For example, access roads are typically the first portion built. There will be temporary displacement while access roads are built but as soon as they are in place the higher and better use buildings start to develop long before the LAR is built. There will be permanent displacement as the land goes to a different use which is why economics is not the only thing to consider. Dr. Perryman said without the conversion of US380 the congestion will erode the quality of life and the natural growth the area will experience will begin to strain the infrastructure over the next 25 years. The analysis took into account as many factors as possible to provide the forecast. Commissioner Hill understands the concern for quality of life with the construction of highways, but if nothing is done, the quality of life for all Collin County citizens will erode. (Time: 6:42 p.m.)

NO ACTION TAKEN

There being no further business of the Court, Commissioner Fletcher adjourned the meeting at 6:42 p.m.



Keith Self, County Judge

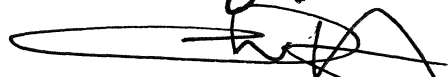


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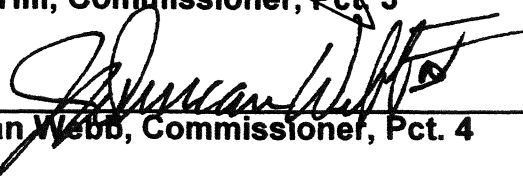
Susan Fletcher, Commissioner, Pct. 1



Cheryl Williams, Commissioner, Pct. 2

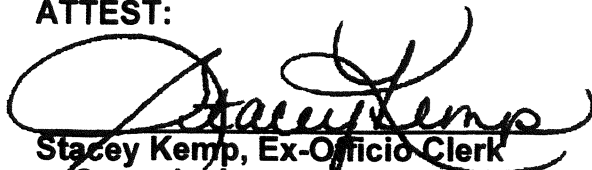


Chris Hill, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4

ATTEST:



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