

STATE OF TEXAS

COMMISSIONERS' COURT
MEETING MINUTES
APRIL 10, 2017

COUNTY OF COLLIN

On Monday, April 10, 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 Fletcher led the Invocation.

Commissioner Williams led the Pledge of Allegiance.

Commissioner 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 2:27 p.m. The meeting was reconvened and immediately recessed into Executive Session at 2:28 p.m. The meeting was reconvened and immediately adjourned at 3:13 p.m.

President Self called to order the meeting of the Collin County Health Care Foundation at 2:27 p.m. and adjourned the meeting at 2:27 p.m.

President Self called to order the meeting of the Collin County Toll Road Authority at 2:27 p.m. and adjourned the meeting at 2:27 p.m.

FYI NOTIFICATION

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

2. **Public Comments.**

3. **Presentation/Recognition.**

4. Consent agenda to approve: Judge Self asked for comments on the consent agenda. Commissioner Williams pulled item 4b and Commissioner Webb pulled item 4j4. Hearing no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:31 p.m.)

Motion by: Commissioner Chris Hill
Second by: Commissioner Cheryl Williams
Vote: 5 – 0 Passed

a. **AI-42960** Disbursements for the period ending April 4, 2017, Auditor.
COURT ORDER NO. 2017-247-04-10

b. **AI-42991** Indigent Defense Disbursements, Auditor.

Commissioner Williams pulled this item to ask how check number 453327 for \$662.50 complies with the Indigent Defense payment plan. Jeff May, County Auditor, said he did not have the information in front of him, but would look it up. The item was held until the information was available.

A motion was made to approve all the Indigent Defense disbursements except check number 453327. (Time: 1:32 p.m.)

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

Mr. May said the amount for check number 453327 was per hour billing at \$125 per hour which included a partial hour. A motion was made to approve check number 453327. (Time: 1:34 p.m.)

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

COURT ORDER NO. 2017-248-04-10

Following the vote, Commissioner Williams said Mr. May provided the Court with some additional notes on the disbursements which made the process of approval dramatically easier. In the past Judge Raymond Wheless, 366th District Court, has given Mr. May permission to provide this type of information; however, check number 453327 did not have the additional notes to clarify if it met the payment plan which is why the check was pulled. She reiterated how much easier the process would be with additional notes in order to respond without having to ask the question. Judge Self thanked Mr. May for his quick response. (Time: 1:35 p.m.)

c. **AI-42886** Tax refunds totaling \$1,357,726.14, Tax Assessor/Collector.
COURT ORDER NO. 2017-249-04-10

d. Advertisement(s):

1. **AI-42977** Dispatch Console Furniture (RFP No. 2017-169), Sheriff.

COURT ORDER NO. 2017-250-04-10

e. Agreement(s):

1. **AI-42969** Mutual Aid Agreement with the North Central Texas Public Works Emergency Response Team (PWERT), Public Works.

COURT ORDER NO. 2017-251-04-10

2. **AI-42984** Consent to Assignment and Assumption of Contracts for Supplies: Culverts, Bands, Steel, Drop Structures (IFB No. 2016-231) to change the name from Contech Engineered Solutions LLC to Quikrete Holdings INC and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2017-252-04-10

f. Amendment(s):

1. **AI-42975** No. 1 to the Interlocal Cooperation Contract with the Texas General Land Office (GLO) (Contract No. 14-281-000-8451) for natural gas to the Justice Center Meter No. 00006023 effective June 1, 2017 through and including May 31, 2020 and further authorize the Purchasing Agent to finalize and execute same, Facilities.

COURT ORDER NO. 2017-253-04-10

2. **AI-42933** No. 2 to the Interlocal Agreement with the City of Wylie for GIS Services to extend the agreement for one (1) year through and including September 30, 2017 and further authorize the Purchasing Agent to finalize and execute same, GIS/Rural Addressing.

COURT ORDER NO. 2017-254-04-10

g. Contract Renewal(s):

1. **AI-42764** Cement Treated Subgrade (IFB No. 2015-108) with Martin Marietta Materials to extend the contract for one (1) year through and including March 31, 2018, Public Works.

COURT ORDER NO. 2017-255-04-10

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

1. **AI-42937** \$6,197 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2017-256-04-10

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

1. **AI-42973** March 20, 2017.

COURT ORDER NO. 2017-257-04-10

j. Miscellaneous

1. **AI-42958** Amendment to the contract with the Texas Department of State Health Services for Contract No. 537-16-0038-00001, Amendment No. 01 for access to online Vital Records to make various changes and extend the agreement through and including August 31, 2018, County Clerk.

COURT ORDER NO. 2017-258-04-10

2. **AI-42981** Acceptance of the FY 2018 Public Health Emergency Preparedness (PHEP) Cities Readiness Initiative (CRI) Grant in the amount of \$128,650; Contract No. 537-18-0141-00001 with the Texas Department of State Health Services (DSHS) effective July 1, 2017 through and including June 30, 2018, Emergency Management.

COURT ORDER NO. 2017-259-04-10

3. **AI-42966** Acceptance of the FY 2018 Public Health Emergency Preparedness (PHEP) Grant in the amount of \$545,327; Contract No. 537-18-0128-00001 with the Texas Department of State Health Services (DSHS) effective July 1, 2017 through and including June 30, 2018, Emergency Management.

COURT ORDER NO. 2017-260-04-10

4. **AI-42968** Cost participation with the City of Celina for the asphalt upgrade to CR 93, Public Works.

Commissioner Webb pulled this item to determine the basis the County is paying on the project. Typically it is a 50/50 split. The amount for the whole project is \$6,210 and the portion for the County shows \$3,205 which is \$100 more than 50/50. Jon Kleinheksel, Public Works, clarified this was an error and the amount for the County should be \$3,105 which is a 50/50 split. Mr. Kleinheksel will make the necessary changes. With no further discussion, a motion was made to approve the item with the correction. (Time: 1:33 p.m.)

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

COURT ORDER NO. 2017-261-04-10

5. **AI-42954** Acceptance of the donation of a 1937 Model A John Deere Tractor to the Collin County Farm Museum from Mr. Steve M. Jones and add to inventory as property of Collin County, Special Projects.

COURT ORDER NO. 2017-262-04-10

6. **AI-42993** Personnel Appointments, Human Resources.

COURT ORDER NO. 2017-263-04-10

7. **AI-42994** Personnel Changes, Human Resources.

COURT ORDER NO. 2017-264-04-10

GENERAL DISCUSSION

5. **AI-42951 Public Hearing** – Consideration and any action for the issuance of a "Mass Gathering" permit for the Vintage Market Days 2017 event on May 5 – 7, 2017 at Myers Park & Events Center in accordance to the Health and Safety Code 751, Special Projects.

Judy Florence, Myers Park, came forward to request a public hearing for the consideration and issuance of a "Mass Gathering" permit for the Vintage Market Days 2017 event on May 5 – 7, 2017 at Myers Park & Events Center. Judge Self opened the public hearing at 1:35 p.m. and asked for comments. Hearing no comments, Judge Self closed the public hearing at 1:35 p.m. A motion was made to approve the item. (Time: 1:35 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

COURT ORDER NO. 2017-265-04-10

6. **AI-42923 Public Hearing** – Inter-Local Cooperation Agreement for Participation with the City of Princeton for 50% participation in the Tax Increment Financing (TIF) Zone Number One, Administrative Services.

Derek Borg, City Manager, Princeton, came forward to request an ILA (Interlocal Agreement) between the County and Princeton for 50% participation in the TIF (Tax Increment Financing) Zone Number One. There is a lot of discussion on how US 380 is developing. This ILA is for an interim project to allow Princeton to move forward on a project involving CR 400 and Beauchamp Boulevard which has been on the County's Thoroughfare Plan since 2007. Princeton is experiencing a lot of growth and it is anticipated to continue. Currently there are over 2,000 lots under construction and over 5,000 pre-platted lots which will be under construction this year. Therefore, Princeton is in desperate need of an interim project. Beauchamp Boulevard is under construction and will get traffic down to CR 400, but Princeton is looking to expand this as a relief project.

Judge Self commented that CR 400 was not on Princeton's 2007 bond project list. Mr. Borg confirmed it was not on the bond project list, but the actual alignment was in order to tie CR 400 to FM 546. There has been a change made on how it connects to CR 400.

Judge Self opened the public hearing at 1:38 p.m. and asked for comments. Hearing no comments, Judge Self closed the public hearing at 1:39 p.m. and asked for comments from the Court.

Commissioner Hill said there is an issue here because there are three projects but only two are on the Thoroughfare Plan. Typically the one that is not on the plan would be ineligible for our participation. He asked Bill Bilyeu, County Administrator, how the County would structure participation on the two projects while excluding the other. Mr. Bilyeu said the Court would make a motion to limit it. Then if the third project was added to the Thoroughfare Plan and the TIRZ (Tax Increment Reinvestment Zone) Board voted to ask for inclusion it would come back to Court for approval. The budget to the TIRZ would not be expanded, only the project plan would be expanded. The dollars for the County's participation would remain the same regardless. The money the County puts in would go only to the two roads. If there is excess the County would be fully funded and would not fund any more. If the project plan increased the County could use any additional funds that are collected towards that.

Judge Self said the Court has talked about, in the future, funding roads on the Thoroughfare Plan that somehow connect to LARs (Limited Access Roadways). He asked Mr. Borg where Princeton stands on the memo to support the LARs vision. Mr. Borg said Princeton supports the LARs vision, but the resolution of support has not yet been presented to the Princeton City Council because of a missed meeting. The Council is open to all discussion and are looking at what COG (Council of Governments) and TxDOT (Texas Department of Transportation) are presenting and where the County is going. Princeton will work cooperatively and in line with what the region needs. Judge Self asked where Princeton would want a LARs located. Mr. Borg said it could be north or south of the City, through it, on Spur 399 or down through the peninsula. There are many options that have not been vetted. As this project plan begins to develop alignment adjustments could be made to become an attachment to or an intersection of a LARs. We don't yet know where the alignments are and Princeton is in desperate need of relief today. Judge Self said one of the easiest things on the plan is the extension of Sam Rayburn Tollway/Spur 399 out to the bridge. This is one of the earliest things we can decide and get an agreement on. Mr. Borg said Princeton will be on board with the extension. Judge Self told Mr. Borg he would not be voting to support the ILA until an agreement is received from Princeton in support of the LARs vision. The County needs to have cooperation from the cities before we do any of these partnership agreements.

Judge Self questioned the specifics of the ILA request: \$52 million is said to be the estimated income, but only \$35 million is marked for estimated road costs. Larry Cline, Financial Consultant, Princeton, said additional funds were included in case the project plan is revised as we go through the next 30 years. If the money is not needed then it will go away. Commissioner Webb was concerned with the money being in a general category that could be moved around. Mr. Borg said the County's funds would only be allocated to the particular projects on the Thoroughfare Plan.

Judge Self asked if this project goes better than expected and if Princeton continues to collect TIF payments for four years after full value is received, what mechanism will cut the TIF off. Mr. Cline said the mechanism would be through the TIF Board and City Council. Once the projects on the list are fully funded and paid for the TIF can be collapsed with Board and Council approval.

Commissioner Hill said traditionally the County has one representative on a TIF Board which can be outvoted by the City Council. He asked, if a motion was passed today, how the County will have any recourse to determine whether our funds are only spent on the items we fenced and returned to the County once the TIF expires. The Commissioner was also concerned with estimated costs because they include items the County does not traditionally participate in. If the County were to participate and the TIF/TIRZ was successful, getting sufficient funding for items covered but still have years left, how would we then get out of the TIF/TIRZ and bring our funds back to the County. Mr. Bilyeu said the order, if the Court choses to participate, would be limited to the two specific projects. As far as construction costs, storm water, ROW (right-of-way) acquisition and utilities are included. Freshwater and sanitary are not included. The motion would be the key.

Commissioner Webb had issues with the ILA: 1) the 30-year limit for termination is not in the ILA; 2) Exhibit A says these are estimated costs for three roads and includes ROW, storm water, water (fresh), sanitary, sewer, landscaping, city lights, signals and design and construction, some of which the County does not normally do; 3) the base year is 2015 which means as soon as the Court signs the ILA all the tax value from 2015 to now will be picked up which is effectively back dating the agreement; and 4) he is on board with Engineering and Judge Self regarding LARs. It has not been determined where the LARs will go or how it will affect CR 400. Discussion continued regarding Princeton's support of LARs and where they would want one located.

Judge Self reiterated his point that the Court is dismissing the Thoroughfare Plan for the future because the County is putting all transportation funding toward LARs. He said the plan has no economic development dollars. It is all general revenue except for the one-half of 1% in sales tax. Mr. Cline confirmed that was correct. The Judge then said the \$17 million from \$35 million to \$52 million is a 50% overrun which is a lot of cushion. Mr. Cline said they were conservative in forecasting what the development was going to be; however, it could slow down over the next 30 years which means Princeton wouldn't get the \$52 million in there. There is surplus to cover that opportunity.

Based on precedence, Commissioner Hill is predisposed to support this ILA because the Court has supported roadways on the Thoroughfare Plan. However, there are a number of questions to be addressed all of which can be tidied up and brought back to the Court for approval. The Court is in a state of flux. We haven't yet adopted any different standard but we are evolving on which roadways we will or will not participate in at the city level. There are such significant priorities on the LARs that the Court may shift the precedent. Because there is transition occurring, the Commissioner suggested that Princeton not spend a long time tweaking the ILA before bringing it back to the Court for approval.

Commissioner Fletcher agreed with Commissioner Hill as she is generally supportive and has the same concerns. Commissioner Williams agrees that the top priority for transportation funding is LARs and feels it is a mistake to include TIRZ in that because those are economic development efforts. Those are not dollars that exist today. Without a TIRZ we may not see those for a much longer horizon if infrastructure is not put in. The Commissioner is inclined to support the ILA, but there are technical issues to be worked

out. She also said she is not prepared to suggest the County should not participate in TIRZ that include transportation projects in an attempt to increase our tax base and to say we are going to confine those to TIRZ which are only on a route that is determined to be a LARs. That is a mistake. Judge Self said we have talked about the thoroughfare roads the Court would support which are those that connect and how far those connections go. This TIF was not written as an economic development TIF. It was written as a transportation TIF. Our TIF payments are going up 12%-13% a year. Commissioner Williams agreed there has been a lot of discussion particularly as it related to a bond project on what we should include. Only once have we had a discussion on limiting TIRZ dollars. Mr. Borg said this is a transportation TIRZ to help transportation in that area. Adding more traffic to US 380 is not what is wanted. There needs to be another outlet. This is still establishing the same economic benefit in the long run, creating a bigger tax base so we can all function better as a government providing services to the citizens. Mr. Borg would like to make a few amendments to ILA and bring it back to the Court.

Judge Self posed a theoretical question: would Princeton trade the \$10 million for the thoroughfare projects for \$10 million toward the Spur 399 extension. Mr. Borg said numbers would have to be looked at, but Princeton needs that project just as much as the thoroughfare projects. Princeton has already negotiated ROWs toward the projects on the Thoroughfare Plan. We believe this is a good interim solution. Commissioner Webb is concerned with the protection of ROWs if the corridor ultimately needs to be a LARs. It is feared, because homes will be built along the corridor, there will be no ability to turn the corridor into anything other than a six-lane divided roadway. This is basically assisting in closing down another east-west way to move traffic from one side of the County to the other and connecting it to a complete LARs system. He is not willing to do that at this time. Mr. Borg said the only way to begin preserving the ROW for LARs, the Spur 399 extension and/or these thoroughfare projects is to get participation. We need to preserve the ROW because houses are being pre-platted. Without a critical alignment for something, we will have no ability to preserve the ROW.

Commissioner Hill said there is a limited amount of dollars for an unlimited amount of needs for transportation construction for the near future. Ten million dollars on these roadways is \$10 million less on other roadways. The Commissioner remains committed in giving the citizens property tax relief. If he is committed in continuing to cut the tax rate he knows he has a limited amount of dollars to spend.

There is a real issue in Princeton and things do need to be done in the short-term, but the Court does have choices to make and opportunity costs in every project. Judge Self said because of limited dollars and the way the County has funded transportation in the past it is proving to be inadequate for the future. One way to simplify this for the taxpayer is to make hard boundaries between the roads.

The County would take care of county roads, which are the only roads the County is legally responsible for, and the cities would take care of city roads. This would mean no county funds, no TIF and no county tax dollars for city roads. The County would handle the state contributions for LARs and above. This probably wouldn't happen, but it would simplify and provide transparency to the taxpayers. As the limited funds become more

limited by the increased building, which is closing off alignments, we have to get to a longer-term view of the immediate needs versus what is needed for future years for the next million people who come to Collin County. Mr. Borg agreed there needs to be agreement and said even this project holds a lot for the County residents because it offers another connection to US 75 other than US 380.

Commissioner Fletcher was concerned with putting all the focus on LARs because while it will be great for people along LARs, as soon as we get off of LARs there will be traffic. Overall she agrees with most of the comments made by the Court and would also like to see the ILA amended before approval. Commissioner Hill added he would like to see a letter of support for LARs from Princeton and again recommended amending the ILA to bring back to Court for approval. (Time: 2:20 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 April 5, 2017. He said all of the recommended resolutions to the policy statement passed except for Resolution 9. Resolution 14 did not have a recommended resolution, but one of support was offered and approved. The Commissioner referred to page 456 of the Court packet to show a chart comparing the budgets of the Senate and the House. He said it was helpful to see the comparison of the two versions of the state budget. Commissioner Hill referred back to Resolution 14 which was in regards to SB 409. This would raise the jurisdictional limit of justice courts in civil matters from \$10,000 to \$20,000. There was significant discussion on this bill and a resolution supporting SB 409 was passed with one vote against by El Paso County. SB 409 will have a direct impact on the courts of Collin County.

Commissioner Fletcher said SB 409 was one bill she brought up in legislative discussions with the Legislators. Her biggest concern was the question of where the County would be with potentially having to add more staff or courts if more cases come in because of the new limit. She asked if there were any comments on this. Commissioner Hill said each county has an individual perspective on what pressure would be taken off the County Courts at Law and what pressure would be added to the JP (Justices of the Peace) Courts and how it would balance out.

Historically we know that we may be in a position to add staff to the JP Courts but rarely could take staff away from County Courts at Law if they were losing some their workload. Commissioner Webb believes this will not materially affect the County Courts at Law, but it will dramatically increase the use of the JP Courts. Commissioner Hill said the reason why El Paso County voted against it was because they thought it would take too much funding away from their law library due to law library fees on the County Courts at Law but not on their JP Courts. (Time: 2:26 p.m.)

NO ACTION TAKEN

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

NO ACTION TAKEN

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

NO ACTION TAKEN

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

EXECUTIVE SESSION

Judge Self recessed Commissioners' Court into Executive Session at 2:28 p.m. in accordance with Paragraph 551.071, Legal to discuss: Case No. 401-03649-2015 The City of McKinney, Texas v. Custer Storage Center, LLC; Case No. 219-01855-2015 Arch Resorts, LLC v. The City of McKinney, Texas; Blackard v. Gallagher, et al., Cause No. 380-00320-2017; Jeffery Blackard v. Kenta Schaffer, et al., Cause No. 380-00320-2017; and Blackard v. Schaffer et al. // Blackard Family Limited Partnership, LP, et al. v. Schaffer, et al., Cause No. 380-01224-2017.

Judge Self reconvened Commissioners' Court at 3:13 p.m.

Legal (551.071)

AI-42504 Case No. 401-03649-2015 The City of McKinney, Texas, vs. Custer Storage Center, LLC, Commissioners Court.

NO ACTION TAKEN

AI-42473 Case No. 219-01855-2015 Arch Resorts, LLC v. The City of McKinney, Texas, Commissioners Court.

NO ACTION TAKEN

AI-41493 Blackard v. Gallagher, et al., Cause No. 380-05246-2015, Commissioners Court.

NO ACTION TAKEN

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

NO ACTION TAKEN

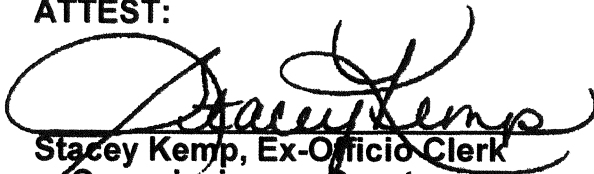
AI-43011 Blackard v. Schaffer, et al. // Blackard Family Limited Partnership, LP, et al. v. Schaffer, et al., Cause No. 380-01224-2017, Commissioners Court.

NO ACTION TAKEN

There being no further business of the Court, Judge Self adjourned the meeting at 3:13 p.m.



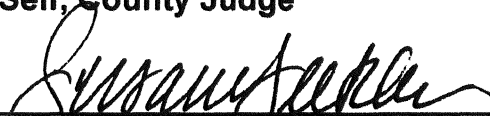
ATTEST:



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

Not Present

Keith Self, County Judge


Susan Fletcher, Commissioner, Pct. 1


Cheryl Williams, Commissioner, Pct. 2


Chris Hill, Commissioner, Pct. 3


Duncan Webb, Commissioner, Pct. 4