

COURT ORDER NO. 2019-212-03-18

**STATE OF TEXAS
COUNTY OF COLLIN**

**COMMISSIONERS COURT
MEETING MINUTES
FEBRUARY 25, 2019**

On Monday, February 25, 2019, 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 Cheryl Williams, Precinct 2
Commissioner Darrell Hale, Precinct 3
Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Susan Fletcher, Precinct 1

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

1. Judge Hill called to order the meeting of the **Collin County Commissioners Court** at 1:30 p.m. and recessed the meeting at 1:49 p.m. The meeting was reconvened and immediately recessed into Executive Session at 1:50 p.m. Judge Hill reconvened the meeting at 3:48 p.m. and adjourned at 3:49 p.m.

President Hill called to order the meeting of the **Collin County Health Care Foundation** at 1:49 p.m. and adjourned the meeting at 1:50 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-46195** Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. **AI-46075** Reversal of the original match budget and budget amendment in the amount of \$40,132 to establish a new revised match budget for the FY 2018/2019 Community Mental Health Program Grant, Auditor.

3. **AI-46163** Budget amendment in the amount of \$675 to pay for canine boarding utilizing the Sheriff's Office State Forfeiture Fund, Sheriff.

2. Public Comments.

3. Presentation/Recognition.

4. Consent agenda to approve: Judge Hill pulled all of the checks on pages 122 and 123 from item 4b, pulled item 4g1 and held item 4h1 for a future court. The Judge then asked for comments on the consent agenda. Commissioner Williams pulled item 4e1. 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: 4 - 0 Passed

Judge Hill stated Commissioner Fletcher was in mandatory training but would be joining the Court for Executive Session.

a. **AI-46120** Disbursements for the period ending February 19, 2019, Auditor.
COURT ORDER NO. 2019-153-02-25

b. **AI-46121** Indigent Defense Disbursements, Auditor.

Judge Hill said the checks on pages 122 and 123 which were pulled from this item would be discussed in Executive Session. (Time: 1:32 p.m.)
COURT ORDER NO. 2019-154-02-25

c. **AI-46101** Tax refunds totaling \$592,392.07, Tax Assessor/Collector.
COURT ORDER NO. 2019-155-02-25

d. Award(s):

1. **AI-46138** Purchase of a Caterpillar 966M Wheel Loader (Contract No. 2019-002A) to Holt Cat, Ltd. and further approve a \$15,000 trade-in for unit number 55242 that was vandalized and budget amendment in the amount of \$410,603 for same, Public Works.
COURT ORDER NO. 2019-156-02-25

2. **AI-46167** Purchase of an Elgin Road Wizard Street Sweeper (Contract No. 2019-141) to Kinloch Equipment and Supply, Inc., Public Works.
COURT ORDER NO. 2019-157-02-25

e. Agreement(s):

1. **AI-46112** Interlocal Agreement with the City of Plano for the design and construction of Arterial Concrete Pavement Maintenance Rehabilitation from 2013 to 2018 and budget amendment in the amount of \$9,043,075 for same, Engineering.

Commissioner Williams pulled this item to get some answers from the City of Plano. The Commissioner had called Jack Carr, Deputy City Manager for the City of Plano, but has not received a return call. In previous re-allocations many of the dollars that were originally intended for roads east of US-75 were reallocated to other roads that were also east of US-75. However, these funds are being reallocated elsewhere in the city. The Commissioner asked if there were any opportunities for these dollars to be spent in east Plano.

Clarence Daugherty, Engineering, introduced Caleb Thornhill, Director of Engineering for the City of Plano. Mr. Thornhill said some of the funds have gone to projects in east Plano. The projects essentially are finishing out the thoroughfare plan, but most of these roads do not have the capacity to do that at this point. These roads don't have those needs from a volume or traffic congestion standpoint. Legacy Central at Legacy and US-75 is coming online, and the Plano Center Envision Oak Point has passed a plan for that area so there will be needs in the future. But at this point they don't have those needs from a volume or traffic congestion standpoint. A motion was made to approve the item but failed for lack of a second. The item will be held for another week. (Time: 1:39 p.m.)

HELD

2. **AI-46150** Interlocal Cooperation Agreement with the City of Lavon for Fire Inspection and Fire Plan Review Services for Commercial Buildings and Subdivisions effective February 25, 2019 through and including September 30, 2019, Fire Marshal.

COURT ORDER NO. 2019-158-02-25

3. **AI-46171** Interlocal Agreement with the City of Anna for Use of the City's Water Tower for Collin County's Public-Safety Radio, Sheriff.

COURT ORDER NO. 2019-159-02-25

f. Amendment(s):

1. **AI-46126** No. 12 to the Storm Water Management Program (AGR No. 12179-08) with Jacobs Engineering Group, Inc. for the 2019 Annual Report and Related Activities for Phase II, Year Five (5) of the Storm Water Management Program (SWMP) and SWMP revision and permit renewal and further authorize the Purchasing Agent to finalize and execute same, Engineering.

COURT ORDER NO. 2019-160-02-25

g. Receive and File, Final Audit Result(s), Auditor:

1. AI-46111 Justice of the Peace, Precinct 2 (1st, 2nd, 3rd and 4th Quarter FY2017).

Judge Hill asked Jeff May, County Auditor, if there were any additional comments from Judge Jerry Shaffer, Justice of the Peace, Precinct 2, and if he was aware the Court was holding this item for his comments. Mr. May spoke to Judge Shaffer that morning and the Judge said he stands by his comment and will do his best to get the reports out in a timely manner. They did discuss some of the issues such as credit card charge backs. Mr. May believes Judge Shaffer will try to meet the requirements on the next audit. Judge Hill does not consider that to be a sufficient or professional response to an audit. Judge Hill's preference is to leave this item unaccepted and give Judge Shaffer one more opportunity to rethink his decision. Commissioner Williams doesn't remember anyone refusing to explain their audit to Commissioners Court.

Commissioner Webb asked what the consequences would be for not approving this audit. Mr. May is required by statute to submit the audit to the Court but he does not know of any consequences if an audit is not approved. Commissioner Hale said, if Judge Shaffer is handling large sums of money authorized by Commissioners Court and if the Court is not satisfied with the audit report and how he is handling the money he is tasked with, why would the Court consider any other requests from him for additional money. Trusting that taxpayer dollars are being handled effectively requires setting policies and procedures into place to handle the money as opposed to a broad statement of doing better.

Judge Hill said it was important to note that the Court is not insisting that Judge Shaffer come to Court and explain himself. He is under no obligation to do that. Judge Hill just wants a better response given to Mr. May for his management comments on the findings that came up during the audit of Judge Shaffer's department. It is in Judge Shaffer's best interest to respond appropriately to Mr. May.

Commissioner Webb said there are consequences for not doing timely reconciliations. We can recover things that were mistakenly handled, but by waiting 116 days to do a reconciliation, a lot of opportunities to correct errors and recover funds goes away. If Judge Shaffer has no interest in following the rules set by the Auditor's Office, then maybe we should not have a Justice of the Peace in that position.

Judge Hill said the Court will give Judge Shaffer another week to rethink what his appropriate response should be. Judge Hill asked Bill Bilyeu, County Administrator, to make sure the Court's thoughts are conveyed to Judge Shaffer. (Time: 1:36 p.m.)

HELD

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

1. AI-46164 February 4, 2019.

HELD

i. Miscellaneous

1. AI-46160 Broker/Dealer List for 2019, Auditor.

COURT ORDER NO. 2019-161-02-25

2. AI-46169 Final Plat for MOSS 622 Addition (Lots 1, 2 and 3, Block A), Engineering.

COURT ORDER NO. 2019-162-02-25

3. AI-46149 Acceptance of supplemental funding in the amount of \$8,000 for the Internet Crimes Against Children Task Force Grant and further extend the term of the contract through and including September 30, 2019, Sheriff.

COURT ORDER NO. 2019-163-02-25

4. AI-46185 Personnel Appointments, Human Resources.

COURT ORDER NO. 2019-164-02-25

5. AI-46186 Personnel Changes, Human Resources.

COURT ORDER NO. 2019-165-02-25

GENERAL DISCUSSION

5. AI-46188 Boards & Commissions Appointments, Commissioners Court:

- a. Child Protective Services Board
- b. Health Care Foundation Advisory Board
- c. Historical Commission
- d. LifePath Systems
- e. Myers Park & Event Center Advisory Board
- f. Park Foundation Advisory Board
- g. Planning Board

NO ACTION TAKEN

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

Commissioner Williams updated the Court on the last RTC (Regional Transportation Council) meeting. The first item of interest was Performance Measures for Roadway Safety and Transit Asset Management which was an action item that passed. The FHA (Federal Highway Administration) is requiring the regions to set targets for fatalities and serious injuries associated with roadway safety. It also requires an inventory of transit

assets such as buses, light rail, and commuter rail and to make sure they are in good repair.

The next item was the 2019 Infrastructure for Rebuilding America Discretionary Grant Program. TxDOT (Texas Department of Transportation) received \$65 million last year for the North Tarrant Express. This grant requires applications to include a freight project, a highway or bridge on a national highway system or a rail or highway grade crossing. A maximum of three projects can be submitted, and the RTC would like both east and west projects. The recommended projects include: the IH-30 Lake Ray Hubbard Bridge in Rockwall County; 14 national highway system bridges across the region as part of a system to address deficient bridges; and a regional rail project to improve capacity and movement as well as improvements and bridge upgrades.

There was a Legislative Update with some numbers in the proposed FY2020 Statewide Appropriations budget. Senate Bill 1 has \$243 billion, and House Bill 1 has \$247 billion. TxDOT has \$31.6 billion in both the senate and house. Prop 1 has an estimated \$4.3 billion in both the senate and house. Prop 7 has an estimated \$5.1 billion in both the senate and the house. TERP (Texas Emissions Reduction Plan) has \$154.7 million in both the senate and house. Lastly, LIRAP/LIP (Low Income Repair Assistance Program/Local Initiative Project) has \$96.6 million in the house and \$0 in the senate.

All counties have opted out of Air Check Texas Vehicle Repair and Replacement, but there are some carryover funds remaining. There will be one last push in the region to try to use the funds. The last day applications will be accepted is April 8, 2019, and the last day to incur expenses is June 28, 2019. Unspent carryover funding is approximately \$18.3 million and will be returned to the State.

There was a discussion about a Federal-State Partnership of Good Repair Program Grant. The grant must include inner city rail, and the only thing eligible in this region is Amtrak. There will be a proposed project that makes improvements to the Texas Railway Express since Amtrak runs on that corridor.

Judge Hill asked if there was a way to recapture any of the \$18.3 million of the unspent carryover from Air Check Texas which is going back to the State. Commissioner Williams does not think there are any options for that. Clarence Daugherty, Engineering, said there is a continuing effort to try to distribute what is left from what has been collected in the past. They are also working with the legislature to try to revise the LIRAP/LIP program so it can be used on transportation projects instead of limiting it to repair of vehicles for air quality. Commissioner Williams said after July 28, 2019, there won't be any more funds expended by any counties, and any remaining funds will be sent back to the State. HB 1, the House Budget Bill actually has money in it for LIRAP/LIP even though no counties are participating, but SB 1 has no money in it. Judge Hill would like to see if we can recover any of the funds for the citizens. (Time: 1:49 p.m.)

NO ACTION TAKEN

7. AI-45660 86th Legislative Agenda for 2019, Commissioners Court:

- a. Proposed Magistrate Bill
- b. Additional District Courts
- c. Creation of the Van Alstyne Municipal Utility District No. 2
- d. Creation of the North Celina Municipal Management District No. 3
- e. Lakehaven Municipal Utility District of Collin County
- f. SB2/HB2
- g. HB 1245
- h. Texas CUC – Principles of the Urban Counties Policy Platform
- i. Texas CUC – Bills Filed
- j. Any other legislative items

NO ACTION TAKEN

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

Judge Hill recessed Commissioners Court at 1:49 p.m. and called to order the meeting of the Health Care Foundation. Judge Hill reconvened Commissioners Court at 1:50 p.m.

EXECUTIVE SESSION

Judge Hill recessed Commissioners Court into Executive Session at 1:50 p.m. in accordance with Chapter 551.071, Legal, to consult with an attorney regarding the District Clerk's Passport Office and Indigent Defense Payments to attorney Marc Fratter.

Legal (551.071)

AI-46000 District Clerk Passport Office Issue.

NO ACTION TAKEN

AI-46212 Marc Fratter Indigent Defense Payments.

COURT ORDER NO. 2019-166-02-25

Judge Hill reconvened Commissioners Court at 3:48 p.m. A motion was made to authorize the County's attorneys, Greg Hudson and Bob Davis, to take all and any actions necessary to protect and defend Collin County and the County's resources in all matters related to attorney Marc Fratter. (Time: 3:49 p.m.)

Motion by: Judge Chris Hill

Second by: Commissioner Cheryl Williams

Vote: 4 – 0 Passed

With no further business of the Court, Judge Hill adjourned Commissioners Court at 3:49 p.m.



Chris Hill, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Darrell Hale, Commissioner, Pct. 3

ATTEST:

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

Not Present

Duncan Webb, Commissioner, Pct. 4