

COURT ORDER NO. 2019-275-04-08

STATE OF TEXAS

**COMMISSIONERS COURT
MEETING MINUTES
MARCH 18, 2019**

COUNTY OF COLLIN

On Monday, March 18, 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 Susan Fletcher, Precinct 1
Commissioner Cheryl Williams, Precinct 2
Commissioner Darrell Hale, Precinct 3

Absent: Commissioner Duncan Webb, Precinct 4

Judge Hill led the Invocation.
Commissioner Fletcher led the Pledge of Allegiance.
Commissioner Williams 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 adjourned the meeting at 2:20 p.m.

President Hill called to order the meeting of the **Collin County Health Care Foundation** at 2:21 p.m. and adjourned the meeting at 2:21 p.m.

President Hill called to order the meeting of the **Collin County Toll Road Authority** at 2:21 p.m. and adjourned the meeting at 2:21 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. **AI-46249** Amendment No. 1 to Services, Urinalysis Testing for Juvenile Probation (Contract No. 2018-284) with Phamatech, Inc. to increase total cost of 5 panel drug screens to \$5.40 per panel, Juvenile Probation.

2. **AI-46268** Personnel Appointments, Human Resources.

3. **AI-46269** Personnel Changes, Human Resources.

FYI NOTIFICATION

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

2. Addenda:

a. **AI-46256** No. 1, 2, 3, 4 and 5 to Construction, Relocation of Collin County Tax Office, 900 E. Park, Plano (IFB No. 2019-032) to make various changes to the Invitation for Bid, Purchasing.

b. **AI-46258** No. 1, 2, 3 and 4 to Enterprise Evidence Management System (RFP No. 2018-048) to make various changes to the Request for Proposal, Purchasing.

3. **AI-46016** Change Order No. 3 to Construction, Road: Dallas North Tollway Southbound Frontage Road, US 380 to FM 428 (Contract No. 2018-203) with Mario Sinacola & Sons Excavating, Inc. to make various changes to the contract and further authorize the Purchasing Agent to finalize and execute same, Special Projects.

4. **AI-46250** P-Card Disbursements, Auditor.

2. Public Comments.

3. Presentation/Recognition:

a. **AI-46211** Check presentation in the amount of \$50,000 to the Collin County Children's Advocacy Center, Budget.

The Court, on behalf of Collin County taxpayers, presented a check in the amount of \$50,000 to the Collin County Children's Advocacy Center. Lynne McLean, CEO, and Dan Powers, COO, were present to accept the check. (Time: 1:34 p.m.)

4. **Consent agenda to approve:** Judge Hill pulled all indigent defense disbursements payable to attorney Marc Fratter on page 398 of the court packet under item 4b. The Judge also pulled item 4g4 at the request of the Sheriff. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:31 p.m.)

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

a. **AI-46229** Disbursements for the period ending March 12, 2019, Auditor.

COURT ORDER NO. 2019-198-03-18

b. **AI-46230** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2019-199-03-18

c. **Advertisement(s):**

1. **AI-46144** Reconstruction – Lavon Beach Estates (IFB No. 2019-128), Public Works.
COURT ORDER NO. 2019-200-03-18

d. Award(s):

1. **AI-46220** Pavement Marking Equipment, Striping Machine (Contract No. 2019-159) to Centerline Supply, Inc., Public Works.
COURT ORDER NO. 2019-201-03-18

2. **AI-46168** Vehicles, Trucks (Contract No. 2019-145) to Sam Pack’s Five Star Ford, Ltd. for the purchase of a 2019 Ford F-150 Supercab Pickup, Public Works.
COURT ORDER NO. 2019-202-03-18

3. **AI-46225** Vehicles, Trucks (Contract No. 2019-145A) to Sam Pack’s Five Star Ford, Ltd. for the purchase of a 2019 Ford F-250 Regular Cab Pickup with Animal Control Body, Public Works.
COURT ORDER NO. 2019-203-03-18

4. **AI-46241** Annual Contract for Office Furniture (Contract No. 2019-171) to Plano Office Supply, Co., Purchasing.
COURT ORDER NO. 2019-204-03-18

e. Amendment(s):

1. **AI-46232** No. 12 to the Interlocal Agreement with the City of McKinney for the Facility Construction and Use of an Animal Shelter in Collin County to set the rate for FY2019 for an annual amount of \$415,737 to be effective October 1, 2018 through and including September 30, 2019 and further authorize the Purchasing Agent to finalize and execute same, Development Services.
COURT ORDER NO. 2019-205-03-18

f. Ratification of Judge Self’s prior approval:

1. **AI-46251** FY 2018 Equitable Sharing Agreement and Certification with the US Department of Justice, Collin County and the Collin County Sheriff’s Office, Auditor.
COURT ORDER NO. 2019-206-03-18

2. **AI-46254** FY 2018 Equitable Sharing Agreement and Certification with the US Department of Justice, Collin County and the Collin County District Attorney’s Office, Auditor.
COURT ORDER NO. 2019-207-03-18

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

1. **AI-46240** \$2,300 for the JP Functional Analyst to attend the Court Technology Conference sponsored by the National Center for State Courts (NCSC) utilizing the Justice Court Technology Fund, Justice of the Peace, Precinct 1.

COURT ORDER NO. 2019-208-03-18

2. **AI-46233** \$6,666 to reallocate funds for the Spay/Neuter Program, Development Services.

COURT ORDER NO. 2019-209-03-18

3. **AI-46243** \$7,000 within Fund 1028 (JP Court Technology – JP 3-1) for Education and Conference, Justice of the Peace, Precinct 3-1.

COURT ORDER NO. 2019-210-03-18

4. **AI-46242** \$199,205 to move the SCAAP Grant funds from the Overtime line item to the Miscellaneous line item, Sheriff.

HELD

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

1. **AI-46164** February 4, 2019.

COURT ORDER NO. 2019-211-03-18

2. **AI-46253** February 25, 2019.

COURT ORDER NO. 2019-212-03-18

i. Miscellaneous

1. **AI-46234** Donation of a Temporary Construction Easement and a Water Line Easement to the City of McKinney for the Redbud Pump Station Water Line Project (42-inch water line) across County owned property on the south side of Bloomdale Road at Community, Engineering.

COURT ORDER NO. 2019-213-03-18

2. **AI-46246** Final Plats for Bridgewater Phase 1a and 1b, Engineering.

COURT ORDER NO. 2019-214-03-18

3. **AI-46190** Timeline for the Parks and Open Space Project Funding Assistance Program, 2018 Bond – First Series, Special Projects.

COURT ORDER NO. 2019-215-03-18

4. **AI-46270** Personnel Appointments, Human Resources.

COURT ORDER NO. 2019-216-03-18

5. **AI-46271** Personnel Changes, Human Resources.

COURT ORDER NO. 2019-217-03-18

GENERAL DISCUSSION

5. AI-46184 Public Hearing – Revisions to the Collin County Thoroughfare and Transit Plan, Engineering.

Clarence Daugherty, Engineering, came forward to give a summary of the revisions to the Collin County Thoroughfare and Transit Plan. Engineering will present a more thorough proposal of revisions at a later date. Revisions include: 1) change the Outer Loop from a tollway to a freeway; 2) correct the labeling of SH160 north; 3) changes in Melissa – straight line roads through the city to become future thoroughfares to leave the FM roads as rural roads; 4) take off the designation of SH5 as a principal arterial except between SP399(SRT/SH121) to FM546; and between SH121 in Melissa north to the county line; 5) add Lake Forest as a principal arterial north of US380 to the Outer Loop; 6) take off collectors in Lucas between FM2551 and FM1378, north of Lucas Road and south of FM2170; and 7) add Parker and Park as principal arterials from Spring Creek Parkway to SH78 in Plano. Mr. Daugherty said these revisions have been advertised in newspapers and on the County's website.

Judge Hill opened the Public Hearing at 1:40 p.m. and asked for public comments.

Derek Borg, City Manager, Princeton, said it has been a pleasure to work with Mr. Daugherty and his team. Princeton is ready, willing and able to move with the direction of the County. The City appreciates the support the County has given in continuing to keep the FM546 project on the forefront and the continued presence in getting traffic off of US380. Mr. Borg also thanked Commissioner Hale for visiting with him and hearing some of the City's concerns. (Time: 1:41 p.m.)

Hearing no further comments, Judge Hill closed the Public Hearing at 1:41 p.m. and asked for discussion from the Court.

Commissioner Williams asked for more clarification on the revisions to SH5 as a principal arterial. The Commissioner hoped for SH5 to remain a principal arterial through Plano, which is already a six-lane divided roadway. Mr. Daugherty said SH5 will still be a principal arterial from SH121 north. SH5 in McKinney, Allen and Plano is a six-lane major thoroughfare. The ability to do anything more to SH5 in those cities is very limited. The only exception is in Fairview – north of Allen. Commissioner Williams believes there is opportunity to see improvements between McKinney and Allen. Mr. Daugherty said this designation will not stop that area of SH5 from being improved. It is just the difference between a major thoroughfare and a principal arterial, which are very similar.

Commissioner Hale asked when the additional changes will be presented to the Court and if it will align with the “call for projects” for the bond program. Mr. Daugherty said it will be presented in approximately three months. A draft plan, which is close to completion, will be shown to the cities in the eastern portion of Collin County to make sure we are all in sync. Following those meetings, the plan will be presented to the Court. Mr. Daugherty believes the timing will be in line for the “call for projects”.

Commissioner Fletcher asked Mr. Daugherty to further explain the re-designation of the Outer Loop from a tollway to a freeway. Mr. Daugherty said the Outer Loop was originally put on the Thoroughfare Plan in 2000 as a tollway with the intent to sell bonds to be paid back by tolls. This was at the same time the Collin County Toll Road Authority was created. Since then, the Court’s view has changed and it has been determined that tolling is not an acceptable way to develop the Outer Loop. He said the interesting part to this is, on the one hand it is an added challenge to get funding, but on the other hand the Outer Loop is projected to be a roadway that will carry more traffic. Opportunities for funding in the future will be through federal, state and county funds. There are opportunities, presently, for some of the service roads to be built privately or by cities because the service roads, in essence, are taking the place of some major thoroughfares.

Mr. Daugherty said the COG (Council of Governments) had funding allocated for the northern and eastern parts of the Outer Loop in the 10-year plan, but we had them change that because we did not want the federal funds. He said federal funds are still an option, but right now the Outer Loop is envisioned to be funded with state and Collin County dollars. By doing so, it will allow for the ability to move with the County’s processes and not by the requirement of federal processes.

Mr. Daugherty said the Outer Loop is being developed with service roads built first. One has been built between SH75 and SH121. The next will soon be presented to the Court with advertisement of bids for the segment between the Dallas North Tollway and Preston Road. The bond program has funding for more of those; therefore, Mr. Daugherty sees the County funding many segments of service roads on the Outer Loop. He said when the time comes for the main lanes to be built there will need to be serious discussion on funding.

Commissioner Hale said last year the COG began discussions on moving the Outer Loop inwards and to the south of Blue Ridge and asked Mr. Daugherty when he believes those discussions will resume. Mr. Daugherty said the COG is waiting for the County, but Engineering will begin looking at this more seriously in the next six months. According to Mr. Daugherty, moving the Outer Loop will be a significant discussion from the County’s perspective with regard to the need for freeways in the eastern part of the County. This will make a difference on the alignment of the Outer Loop.

Concerning the difference between principal arterials and major thoroughfares, Commissioner Williams said one thing that could be different is principal arterials may be roadways that lend themselves to grade separation where major thoroughfares may not.

This issue will need to be addressed on some of the principal arterials in order to get more efficiency out of them. Mr. Daugherty said it will then be a matter of flexibility and suggested discussing this further.

With no further discussion, a motion was made to approve the change to the Collin County Thoroughfare and Transit Plan. (Time: 1:52 p.m.)

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

COURT ORDER NO. 2019-218-03-18

6. Boards & Commissions Appointments, Commissioners Court:

a. AI-46272 City of Allen TIF No. 1 (Garden District).

A motion was made to appoint Commissioner Hale to the City of Allen TIF No. 1. (Time: 1:53 p.m.)

Motion by: Commissioner Susan Fletcher
Second by: Judge Chris Hill
Vote: 4 – 0 Passed

COURT ORDER NO. 2019-219-03-18

7. AI-44358 Conference of Urban Counties Update, Commissioner, Precinct 1.

Judge Hill served as Commissioner Fletcher's proxy at the last CUC (Conference of Urban Counties) meeting. He said there was not much on the agenda for action. The largest discussion was on the legislative update on bills progressing through the legislature. Bills related to property tax, school taxes and county taxes, was of most interest to the board.

Judge Hill said one item of interest was HB2 and SB2. These bills would change the rollback rate for cities, counties and districts from the current 8% to the proposed 2.5%. This Court has already taken a position in favor of the bills and the CUC has already taken a very strong position against the bills. Mayors of 24 large cities across Texas, three in Collin County, adopted a letter and sent it to Chairman Burrows, Texas House of Representatives, letting him know they were going to be as active as possible, working with him and the committee, to make HB2 workable for the needs of the cities. The letter of support included a list of five items the mayors wanted worked into the bill. The CUC took great exception to the letter and the commissioners and county judges at the CUC meeting were furious that the mayors had broken ranks.

The Judge was taken aback at how furious the members were with the mayors daring to work together with the legislature to provide property tax reform for the people of Texas and said he thought to himself, “How much better it would be if our own colleagues, in the counties across the state, would take that same approach and look to support the bill and look to support property tax reform efforts rather than standing strong against them.” There was no vote on the item.

Commissioner Fletcher would like to see the letter the mayors signed and said it sounds similar to conversations she has had with local leadership. Many seem to be supportive with concessions. Judge Hill said it was strategic on the behalf of the mayors who signed the letter. Mayors of Plano, McKinney and Richardson were part of that team. At the senate hearing on SB2 they testified against the bill, but when the house had their hearing on HB2 the mayors decided to use a different tactic and testify on the bill and offer up items they thought to be helpful to have as they try to provide governance. Judge Hill said it was mentioned more than once, by more than one mayor on the list, that the mayors would be happy to support a rollback rate of 2.5% as long as certain carve-outs could be made so that the 2.5% would not apply to certain expenditures of local cities. He said the mayors are being very transparent about the tactic and doesn't expect the legislature to grant all of the carve-outs the mayors are asking for. The Judge's takeaway from the meeting was that the Court's colleagues, at this point, are standing firm against any type of property tax reform. This puts them at odds with the 24 mayors and Collin County.

Commissioner Fletcher agreed with the Judge and said we have our own carve-out in our resolution, but it has to do with unfunded mandates coming down from the state legislature which she sees as different than the carve-outs made by the cities. She is thankful this Court added the unfunded mandate language to the resolution because it is key when there are additional things to pay for that never had to be paid for in the past. (Time: 2:02 p.m.)

NO ACTION TAKEN

8. 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

Judge Hill invited Patrick Vedra, Risland US Holdings, to come forward to discuss the creation of the Van Alstyne MUD (Municipal Utility District) No. 2. Mr. Vedra said revisions have been made to the legislation addressing the concerns of the Court: police, fire, emergency services, animal control and construction permitting. He said the Commissioners Court would have to be satisfied with the contracts before the MUD becomes operational.

In the absence of Commissioner Webb, Commissioner Fletcher said she is thankful the roads and road maintenance have been addressed and that contracts are in place. She had previously asked, out of concern for representation, for future citizens of the MUD to have access to the board and to be able to attend board meetings. The Commissioner was pleased to learn there is a provision in the water code that once 25 registered voters are in a MUD they may petition the board to force them to hold meetings within the district.

Commissioner Hale asked if signed contracts have been received for police, fire and emergency services. Mr. Vedra said contracts have not yet been executed; Van Alstyne is still weighing those and making sure they meet their needs in terms of funding. The Commissioner said the language inside the legislation is pending on something that is also pending; therefore, until it is signed in ink there is nothing solid for the Court to go on. Mr. Vedra agreed, but said there isn't a functioning MUD until the Court is satisfied with what is produced. Judge Hill asked for Mr. Vedra to clarify that statement and asked if the activation of the district requires the Court's satisfaction. Mr. Vedra said the legislation says that interim directors cannot hold a confirming election until the Collin County Commissioners Court has reviewed such contracts, referring to police and fire, and adopted a resolution confirming the adequacy of such supplemental services.

There was a brief discussion on where the revised legislation was located in the court packet and/or in the public packet.

Mindy Koehne, Coats Rose P.C., said the language requiring the City's consent prior to the confirmation election is in the revised legislation. There cannot be a functioning district until a confirmation election is held, voted in bonds, and et cetera. This allows for time to sort out the details and still be able to pass the bill during the legislative session. Bill Bilyeu, County Administrator, confirmed the revised legislation is in the public packet and was emailed to the Court on Thursday afternoon.

Ms. Koehne read the section of legislation aloud, "The temporary directors may not hold an election until the district has entered into one or more contracts providing for adequate supplemental police, fire, emergency services and animal control inside the boundaries of the district. Such contracts may be with the city, Collin County or any other entity that provides such services. Such contracts may be written to take effect upon approval of such contract by the Commission, confirmation of the district and approval of the contract by the voters in the district; and the Collin County Commissioners Court has reviewed such contracts and adopted a resolution confirming the adequacy of such supplemental services." She said the result is that a confirmation election cannot be held until the Commissioners Court is satisfied with the agreements. Judge Hill asked if a resolution never comes, so be it? Ms. Koehne and Mr. Vedra confirmed.

Judge Hill had never heard of any MUD being formed in this fashion. Mr. Bilyeu said they drafted the legislation to fit the needs of the County. Ms. Koehne said they believe everyone is working in good faith.

Judge Hill asked if the legislation will make it through and pass the statutory tests. Mr. Bilyeu said it will go through the local consent calendar so there is a wide latitude in how it is drafted. Ms. Koehne said they hope to have all the contracts wrapped up before the legislative session ends. Judge Hill asked when they plan to file the bill. Ms. Koehne said the sponsors of the bill, Senator Fallon and Representative Holland, are waiting for a phone call from the Court supporting the bill.

Based on the information presented, Commissioner Fletcher moved to approve the item. The motion was seconded by Commissioner Williams.

Following the motion and second, Judge Hill said he liked what was presented and would be prepared to support the bill under those terms, but had pause because the documents in the court packet were not what was presented to be filed. He asked if Commissioner Fletcher would be willing to hold the motion for one week in order to obtain the updated version. Commissioner Fletcher said the updated version was received by email on Thursday afternoon. Discussion continued.

The motion was withdrawn for the item to be put on the March 25, 2019 agenda for approval. (Time: 2:17 p.m.)

d. Creation of the North Celina Municipal Management District No. 3

e. Lakehaven Municipal Utility District of Collin County

f. Collin County Municipal Utility District No. 2

Mindy Koehne, Coats Rose P.C., came forward to discuss the Collin County Municipal Utility District No. 2. She said the district was created through the Texas Commission on Environmental Quality last year with the County's support. The district wants the ability to maintain its own roads and does not want to be a burden on the County. In order for the district to have full road powers, a legislative bill must be passed. A bill has been filed through the legislative council that would allow the district to maintain all the roads within its boundaries. The sponsors of the bill would like to hear from the Court to make sure the County is in support of the bill. A motion was made to approve a resolution in support of the bill. (Time: 2:19 p.m.)

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

COURT ORDER NO. 2019-220-03-18

- g. SB2/HB2
 - h. HB 1245
 - i. HB 705
 - j. Texas CUC – Principles of the Urban Counties Policy Platform
 - k. Texas CUC – Bills Filed
 - l. Any other legislative items
9. Possible future agenda items by Commissioners Court without discussion.

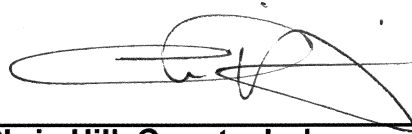
EXECUTIVE SESSION

Legal (551.071)

AI-46228 Marc Fratter Indigent Defense Payments.

NO ACTION TAKEN

The Court did not recess into Executive Session. There being no further business of the Court, Judge Hill adjourned the meeting at



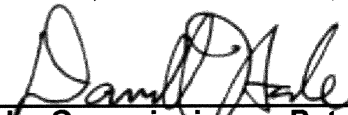
Chris Hill, County Judge

Not Present

Susan Fletcher, Commissioner, Pct. 1

Not Present

Cheryl Williams, Commissioner, Pct. 2



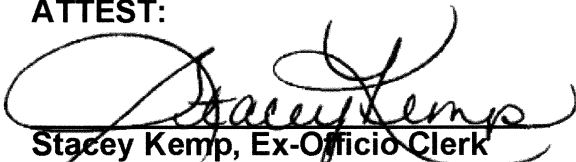
Darrell Hale, Commissioner, Pct. 3



Duncan Webb, Commissioner, Pct. 4



ATTEST:



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