

**COURT ORDER NO. 2019-292-04-15**

**STATE OF TEXAS**

**COMMISSIONERS COURT**

**COUNTY OF COLLIN**

**MEETING MINUTES**

**MARCH 25, 2019**

On Monday, March 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 Susan Fletcher, Precinct 1

Commissioner Cheryl Williams, Precinct 2

Commissioner Darrell Hale, Precinct 3

Commissioner Duncan Webb, Precinct 4

Commissioner Fletcher 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 1:55 p.m. The meeting was reconvened at 1:56 and recessed into Executive Session at 1:57 p.m. Judge Hill reconvened the meeting at 2:24 p.m. and adjourned at 2:30 p.m.

President Hill called to order the meeting of the **Collin County Health Care Foundation** at 1:55 p.m. and adjourned the meeting at 1:56 p.m.

President Hill called to order the meeting of the **Collin County Toll Road Authority** at 1:56 p.m. and adjourned the meeting at 1:56 p.m.

**DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:**

1. **AI-46287** Personnel Appointments, Human Resources.

**FYI NOTIFICATION**

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

2. **AI-46278** Removal of a cash drawer in the amount of \$26 from the Engineering Department, Auditor.

3. **AI-46259** Budget amendment in the amount of \$781 to move certification pay with an employee moving to the Sheriff's Office effective March 25, 2019, Budget.

**2. Public Comments.**

**3. Presentation/Recognition:**

a. **AI-46261** Government Treasurers' Organization of Texas has awarded the Certificate of Distinction to Collin County for its Investment Policy, Auditor.

**4. Consent agenda to approve:** Judge Hill pulled all checks payable to attorney Marc Fratter on page 97 of item 4b and then asked for comments on the consent agenda. Commissioner Hale pulled item 4g4. With no further comments, a motion was made to approve the remainder of the consent agenda. (Time: 1:33 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Duncan Webb

Vote: 5 - 0 Passed

a. **AI-46283** Disbursements for the period ending March 19, 2019, Auditor.

**COURT ORDER NO. 2019-221-03-25**

b. **AI-46300** Indigent Defense Disbursements, Auditor.

**COURT ORDER NO. 2019-222-03-25**

c. **AI-46210** Tax refunds totaling \$1,778,185.42, Tax Assessor/Collector.

**COURT ORDER NO. 2019-223-03-25**

**d. Award(s):**

1. **AI-46273** Construction, Collin County Justice Center, Replacement of Chilled Water Actuators and Valves (IFB No. 2019-084) to Expert Services, LLC and further authorize the Purchasing Agent to finalize and execute the Construction Agreement, Construction & Projects.

**COURT ORDER NO. 2019-224-03-25**

2. **AI-46265** Fencing, Labor & Materials (IFB No. 2019-027) to Concord Commercial Services, Inc., Public Works.

**COURT ORDER NO. 2019-225-03-25**

**e. Agreement(s):**

1. **AI-46262** Interlocal Jail Services Agreement with Dallas Area Rapid Transit effective October 1, 2018 through and including September 30, 2019, Sheriff.

**COURT ORDER NO. 2019-226-03-25**

**f. Budget adjustment(s)/amendment(s):**

1. **AI-46255** \$870 for the purchase of a scanner for the Magstration Clerk, 380th District Court.

**COURT ORDER NO. 2019-227-03-25**

**g. Miscellaneous**

1. **AI-46294** Acknowledgment of continuing education credits for Commissioner, Precinct 4, Administrative Services.

**COURT ORDER NO. 2019-228-03-25**

2. **AI-46290** Acknowledgment of the Newark Cultural Education Facilities Finance Corporation proposed loan to the June Shelton Landmark Foundation for the purpose of renovation of an existing building, Administrative Services.

**COURT ORDER NO. 2019-229-03-25**

3. **AI-46266** Appointment of Linda Riggs as the Investment Committee Member/Officer, Auditor.

**COURT ORDER NO. 2019-230-03-25**

4. **AI-46292** Storm Water Management Program Annual Report for 2018, Engineering.

Commissioner Hale said some waterways were listed as impaired and asked if there were grants available or any work that would be done to remedy these situations. Tracy Homfeld, Engineering, said NCTCOG (North Central Texas Council of Governments) is working with stakeholders around East Fork Trinity River, which is one of the waterways listed as impaired, to try to identify sources of impairment. Also, North Texas Municipal Water District finished their Lake Lavon master drainage plan and are identifying areas for which they could potentially receive grant money to help with some of the issues. The grants would come through the water district or NCTCOG. With no further comments, a motion was made to approve the item. (Time: 1:34 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Darrell Hale

Vote: 5 – 0 Passed

**COURT ORDER NO. 2019-231-03-25**

5. **AI-46279** Adoption of the revised Public Works Price Matrix for Cities, Public Works.

**COURT ORDER NO. 2019-232-03-25**

6. **AI-46288** Personnel Appointments, Human Resources.

**COURT ORDER NO. 2019-233-03-25**

7. **AI-46289** Personnel Changes, Human Resources.

**COURT ORDER NO. 2019-234-03-25**

**GENERAL DISCUSSION**

5. **AI-33858** RTC monthly update, Commissioner, Precinct 4.

Commissioner Webb updated the Court on the last RTC meeting. One of the most notable items was the congestion rankings for the metroplex compared to the rest of the country. Houston's congestion level went up in the rankings from 14 to 13; Austin also went up from 14 to 12; and, even with all the growth, DFW went down from 20 to 21. DFW is the fourth largest metropolitan area in the United States.

Legislatively, there were some discussions about continuing federal funding of approximately \$26.5 billion in discretionary funding for transportation through the federal budget which is a decrease of \$700 million. Also, the funding for the Build America Program will be reduced from \$900 million to \$300 million which will have a big impact on the program.

Another item of interest was a new pilot transit project using transit money received by NCTCOG (North Central Texas Council of Governments) from the federal government. They are looking at a program to partner with Arlington ISD (Independent School District) and UTA (University of Texas at Arlington) to provide transit passes for students for the last distance between the bus stops and the school campuses. These are transit funds that can only be used on transit. The RTC is planning to put \$150,000 per year for two years into this program. After the meeting, the Commissioner asked about having a similar program for Collin College especially since the building of the technology campus and the other campuses under construction. The situation is similar to Arlington in that we don't have DART (Dallas Area Rapid Transit) for the senior campuses in Plano, Allen, Frisco and McKinney. This may be an action item next month.

The 2019 Ozone Season began last week. We had been trending down, but last year we went up. The whole metroplex is now classified as serious nonattainment.

Another interesting item was a grant of CMAQ (Congestion Mitigation and Air Quality) funds for the engineering phase of Ferguson Parkway in Anna in the amount of \$1,072,481. The approval of this will be an action item next month.

Lastly, there was a press release and Commissioner Webb was recognized for his work on the US 75 managed lane situation. The RTC has been working with the FHWA (Federal Highway Administration) for three years trying to get the HOV (High Occupancy Vehicle) lane converted into a general purpose lane and never got anywhere. This lane runs from I-635 to Bethany Road along US 75 and is underutilized especially during peak rush hour.

A letter was submitted to the FHWA with 12 options for this lane. One option was to give back the \$15 million received in CMAQ funds to build it. The FHWA responded with only one option which was during weekends and non-peak times the two lanes could be general purpose lanes. However, during rush hour, the lanes would remain HOV lanes. The FHWA would also allow the lanes to be SOV (Single Occupancy Vehicle) lanes during rush hour if that single occupant were to pay a small toll. The RTC has asked Congressmen Van Taylor and Colin Allred to push legislation to override the FHWA, and they have agreed. The RTC is not sure if they will be able to do this or how long it would take. The build out will be approximately one year. Commissioner Webb got the support of all the mayors along the corridor. The Commissioner has also worked closely with Representative Jeff Leach on this issue and talked to the state senator to get her support. The funding for this project was approved last year. As soon as the engineering is done, the pylons will be removed and most likely replaced with a solid white line.

Commissioner Fletcher asked how this would be implemented. Since there will be no pylons, Commissioner Webb said there will be polls with sensors every 100 or 200 yards. There was a brief discussion about a phone app which will use GPS (Global Positioning System) to determine how many people are in the car. Commissioner Fletcher thanked the Commissioner for his hard work on this issue.

Commissioner Hale asked what the impact would be from the \$600 million reduction in the Build America program, and what did Collin County get from the program last year. Commissioner Webb said there will be very little if any impact on Collin County because we didn't benefit from the program last year.

Judge Hill asked who will be the deciding authority on the amount of the SOV toll on US 75 for the morning and evening rush hours. Commissioner Webb said they are hoping the RTC can set the toll amount and make it as small as possible. They are currently surveying the country's small tolls and hope to find precedence for a nickel or a dime per mile. (Time: 1:53 p.m.)

**NO ACTION TAKEN**

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

a. Proposed Magistrate Bill

Judge Hill informed the Court that this bill has been filed. It is HB 4664 and can be tracked through the local consent calendar. (Time: 1:54 p.m.)

b. Additional District Courts

c. Creation of the Van Alstyne Municipal Utility District No. 2

A motion was made to approve this item as amended. (Time: 1:55 p.m.)

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

**COURT ORDER NO. 2019-235-03-25**

- 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
- g. Walker Farms Municipal Utility District

Commissioner Hale asked Bill Bilyeu, County Administrator, if someone would be coming to speak to the Court on this item. Mr. Bilyeu said they would. (Time: 1:55 p.m.)

- h. SB2/HB2
- i. HB 1245
- j. HB 705
- k. Texas CUC – Principles of the Urban Counties Policy Platform
- l. Texas CUC – Bills Filed
- m. Any other legislative items

Judge Hill recessed Commissioners Court at 1:55 p.m. and called to order the meeting of the Health Care Foundation and the Toll Road Authority. Judge Hill reconvened Commissioner Court at 1:56 p.m.

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

The Court returned to this item after Executive Session. Commissioner Webb would like to add the overtime information report which shows jail population and overtime. He would like this to go under FYI Notifications for transparency since overtime is an important issue to the county in terms of its budget. Judge Hill said Judge Self used to approve overtime and then stopped and put the overtime reports on the agenda so the Court could approve them. After a brief discussion, Judge Hill said he would have the overtime reports put back on the agenda for the Court to start approving to make it more transparent. (Time: 2:30 p.m.)

**EXECUTIVE SESSION**

Judge Hill recessed Commissioners Court into Executive Session at 1:57 p.m. in accordance with Chapter 551.071, Legal, to consult with an attorney regarding indigent defense payments to attorney Marc Fratter. The Court will discuss a settlement agreement that has been presented to the Court.

## **Legal (551.071)**

### **AI-46228 Marc Fratter Indigent Defense Payments.**

Judge Hill reconvened Commissioners Court at 2:24 p.m. The Court was presented with a memorandum for settlement regarding the issue with Marc Fratter. The following are the terms of the settlement agreement. Mr. Fratter agrees that he has been overpaid by Collin County taxpayers for his court appointed cases, and Mr. Fratter has agreed to repay Collin County \$140,735. Collin County agrees that Mr. Fratter is still due payments for work that he has completed on behalf of the County valued at \$4,900 for certain misdemeanor cases and \$40,177.81 for certain felony cases. Collin County's part of the agreement is to make those payments to Mr. Fratter, but the payments will be held in the County Treasury on behalf of Mr. Fratter until his \$140,735 has been paid off or until he continues to make payments on that including those credits. Mr. Fratter does have additional cases that he is currently assigned to here in Collin County, and any additional payments in the future to be made against those cases would be made into the County Treasury to be applied against his obligation to the taxpayers until that obligation is fulfilled. Mr. Fratter has agreed that he will not seek any additional appointments to court appointed cases from Collin County until such time as he has fulfilled his obligation to the taxpayers. Collin County would need to agree to hold and not file the agreed final judgment until March 21, 2021. This will allow Mr. Fratter two years to repay his obligation to satisfy the terms of the final judgment. If he does not repay within the two years, the judgment can be filed by Collin County. These are the terms of the settlement agreement that Mr. Fratter has signed. With no further discussion, a motion was made to approve the memorandum of settlement. (Time: 2:28 p.m.)

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

### **COURT ORDER NO. 2019-236-03-25**

There being no further business of the Court, Judge Hill adjourned Commissioners Court at 2:30 p.m.



  
Chris Hill, County Judge

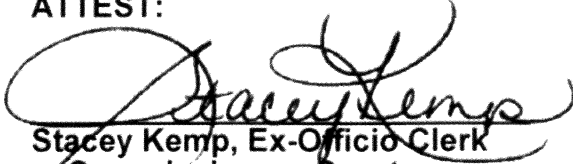
  
Susan Fletcher, Commissioner, Pct. 1

  
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