

State of Texas	§	Court Order
Collin County	§	2019-484-06-24
Commissioners Court	§	

**An order of the Commissioners Court approving the filing of the June 3, 2019 minutes.**

On Monday, June 3, 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 Darrell Hale, Precinct 3

Commissioner Duncan Webb, Precinct 4

Absent: Commissioner Cheryl Williams, Precinct 2

Commissioner Fletcher led the Invocation.

Judge Hill 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 adjourned the meeting at 2:57 p.m.

President Hill called to order the meeting of the Collin County Health Care Foundation at 2:57 p.m. and adjourned the meeting at 2:57 p.m.

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

1. AI-46603 Personnel Appointments, Human Resources.

#### **FYI NOTIFICATION**

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

2. AI-46562 Supplemental Work Order No. 1 with Centennial Contractors Enterprises, Inc. (contract No. 2018-369) for HVAC Replacement, 900& 920 Buildings (Per Buyboard Contract No. 520-16 Area F-CCE) to provide various changes to the contract, Construction & Projects.

3. AI-46590 Issuance of eight (8) access control door readers to the City of Frisco to support the Frisco Tax Office, Information Technology.

4. AI-46571 Turnover, Human Resources.

5. AI-46572 Volunteer Terminations, Human Resources.

6. AI-46601 County overtime for the pay period ended May 19, 2019, Human Resources.

2. Public Comments.

3. Presentation/Recognition.

4. **Consent agenda to approve:** Judge Hill deleted item 4i2 and then asked for comments on the consent agenda. Commissioner Fletcher pulled item 4d2 for recusal. Commissioner Hale also had questions on item 4d2. 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 Darrell Hale

Vote: 4 - 0 Passed

a. AI-46560 Disbursements for the period ending May 28, 2019, Auditor.

COURT ORDER NO. 2019-397-06-03

b. AI-46561 Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2019-398-06-03

c. AI-46521 Tax refunds totaling \$457,887.57, Tax Assessor/Collector.

COURT ORDER NO. 2019-399-06-03

d. Advertisement(s):

1. **AI-46584** Construction, Collin County Elections RTU Additions (IFB No. 2019-162), Construction & Projects.  
**COURT ORDER NO. 2019-400-06-03**

2. **AI-46588** Surveillance Camera Systems (RFP No. 2019-131), Purchasing.

Commissioner Hale asked Bill Bilyeu, County Administrator, to explain the ramifications of this since it is not a trivial item. Mr. Bilyeu said the current surveillance camera systems work, but the County is at capacity. The projected cost is approximately \$1.8 million to upgrade the systems from analog to digital and would take one year to 18 months to complete the bidding process and have them installed. With no further comments, a motion was made to approve the item. (Time: 1:36 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Darrell Hale

Vote: 3 – 0

Abstained: Commissioner Susan Fletcher

**COURT ORDER NO. 2019-401-06-03**

**e. Award(s):**

1. **AI-46566** Declare Elections Data Solutions, Inc. as the sole source provider for ElectBooks Software and grant an exemption from the competitive bid process per V.T.C.A. Local Government Code 262.024 (a)(7)(A), approval to award Elect Books Billing Software (AGR No. 2019-225) to Elections Data Solutions, Inc. and further authorize the Purchasing Agent to finalize and execute same, Elections.

**COURT ORDER NO. 2019-402-06-03**

2. **AI-46585** Uninterruptible Power Supply Replacement (IFB No. 2019-147) to Graybar Electric Company, Inc., Facilities.

**COURT ORDER NO. 2019-403-06-03**

3. **AI-46574** Tableau Software for Court Appointed Pay Sheets (RFP No. 2019-246) to Insight Public Sector, Inc., utilizing Omnia Partners Cooperative Contract No. 4400006644 and budget adjustment in the amount of \$25,701 for same, Information Technology.

**COURT ORDER NO. 2019-404-06-03**

4. **AI-46548** Vehicle, F150 Truck (Contract No. 2019-226) to Caldwell Country Ford, LLC dba Rockdale Country Ford utilizing the Tarrant County Cooperative Contract No. 2019-041, Public Works.

**COURT ORDER NO. 2019-405-06-03**

5. AI-46416 Amazon Services, LLC, Amazon Business for Online Marketplace for products and services through Omnia Partners Public Sector (Contract No. R-TC-17006), Purchasing.

COURT ORDER NO. 2019-406-06-03

6. AI-46439 Elevators, Escalators, and Lift Maintenance (Contract No. 2019-216) to Thyssenkrupp Elevator Americas utilizing Omnia Partners Cooperative Contract No. R150801 and further authorize the Purchasing Agent to finalize and execute same, Purchasing.

COURT ORDER NO. 2019-407-06-03

**g. Contract Renewal(s):**

1. AI-46502 Services, Professional Audit (RFP No. 2016-161) with Pattillo, Brown & Hill, L.L.P. to extend the contract for one (1) year through and including September 30, 2020, Auditor.

COURT ORDER NO. 2019-408-06-03

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

1. AI-46565 \$1,000 for the purchase of Emergency Management personnel uniforms, Fire Marshal.

COURT ORDER NO. 2019-409-06-03

**i. Miscellaneous**

1. AI-46558 Acknowledgment of continuing education credits for Commissioner, Precinct 2, Administrative Services.

COURT ORDER NO. 2019-410-06-03

2. AI-46575 Final Plat for Elite Business Park Addition, Engineering.

PULLED

3. AI-46530 Accept the donation of Portland Cement Super Slurry from Martin Marietta and two days of a reclamation machine and operator from Wirtgen, Public Works.

COURT ORDER NO. 2019-411-06-03

4. AI-46543 Deposit the net proceeds totaling \$7,880.03 from the Collin County Online Auction held on April 19, 2019 per Local Government Code 263.156, Purchasing.

COURT ORDER NO. 2019-412-06-03

5. AI-46604 Personnel Appointments, Human Resources.

COURT ORDER NO. 2019-413-06-03

6. AI-46605 Personnel Changes, Human Resources.

COURT ORDER NO. 2019-414-06-03

### GENERAL DISCUSSION

5. AI-46580 **Public Hearing** - Consideration and any action for the issuance of a Mass Gathering permit for The Lights Fest event scheduled for September 28, 2019 at LG Motorsports Park located at 704 E. Houston Street in Anna, Texas in accordance to Health and Safety Code Chapter 751, Fire Marshal.

Judge Hill called to order the public hearing for the Mass Gathering permit at 1:36 p.m. Brett Haynes, Permit Manager for Viive Events, came forward to answer questions. Commissioner Hale asked if the items listed at the bottom of the permit such as the agreement between the promoter and the property owner have been provided. Mr. Haynes said they have not been provided in the past, but they could provide them. The contract with the property owner and other service providers are not signed until Viive Events gets approval from the Court. Fire, police and EMS (Emergency Medical Services) will be at the event.

Commissioner Hale said the documents show the lanterns can travel 300 to 500 yards from the launch site which would mean they could end up on another property. The Commissioner asked if agreements were secured from those other neighbors. Mr. Haynes said, for the Dallas event, they use 171s which travel a shorter distance of approximately 300 yards. The other neighbors have been notified of the event, and Viive Events will handle the cleanup of any lanterns that land on their properties. Lou Gigliotti, the venue owner, has also talked to the neighbors about the possibility of lanterns landing on their property.

Also, once they have determined the wind direction and the number of participants, they will lay out the parking map which will include ADA (American Disabilities Act) parking spaces. Judge Hill asked for any other comments or questions. Hearing none, Judge Hill closed the Public Hearing at 1:41 p.m. With no further comments, a motion was made to approve the item. (Time: 1:42 p.m.)

Motion by: Commissioner Darrell Hale

Second by: Commissioner Susan Fletcher

Vote: 4 – 0 Passed

**COURT ORDER NO. 2019-415-06-03**

**6. AI-46379 NTTA Traffic Safety Program, Administrative Services.**

Bill Bilyeu, County Administrator, said in January he and representatives from the Sheriff and Constables' Offices met with NTTA (North Texas Tollway Authority) about a program that would put more law enforcement on the roads. Mr. Bilyeu introduced Eric Hemphill, PE and Director of Traffic & Incident Management with NTTA. Mr. Hemphill said they are looking to get additional people on the road to help with enforcement on issues such as speeding, driving while intoxicated, and commercial motor vehicle safety. In Collin County, 41% of the accidents are speed related, and this is a serious safety issue. The NTTA currently contracts with DPS (Department of Public Safety), and they have 57 troopers assigned to the roadway. This program is not meant to replace those troopers but to supplement them and work targeted enforcement. Members of the SO (Sheriff's Office) and Constables' offices would be doing this on their off hours. Mr. Hemphill said they are not necessarily looking for these officers to issue a certain number of tickets, but rather to have a certain number of contacts. A recent study on the Sam Rayburn Tollway using speed sensors, which was a police vehicle on the side of the road, showed for three days it eliminated drivers going over 80 miles-per-hour. Even when the vehicle was removed, traffic continued to move slower.

There would be no cost to the County since the program would reimburse all direct, indirect, and vehicle costs as part of the agreement. Also, there is no penalty to the County if an officer cannot make their shift. The relationship would be between the NTTA and the County. Commissioner Fletcher asked about liability costs if someone is injured. Mr. Hemphill said, as part of the agreement, they would pay the indirect workers comp insurance base rate. However, if the officer were to do something to someone else, the County would have to defend the officer. Also, if the vehicle were hit while it was on the side of the road, the County would have to handle this.

Commissioner Hale is concerned that this would add additional fatigue to the SO where there are already limited resources. Mr. Hemphill said there is no requirement to provide a certain number of officers. The current DPS troopers work a mandatory 50-hour week, and there has been a request for additional troopers in the FY2020 budget. Commissioner Webb said the County has overtime issues already, especially with the SO.

This would be an open-ended agreement with no specific amount of work to be provided by the County. Mr. Hemphill said the current budget has funding for an additional 192 hours. If the County does participate, Commissioner Fletcher would like to see a trend of safety overall. She would also like to see the agreement in order to get feedback from the Sheriff and Constables' offices. A lengthy conversation ensued regarding expectations of the program and what other avenues have been explored. Mr. Hemphill will send a copy of the agreement with

Dallas County so the Court and elected officials can look at it and determine if there is any capacity to participate in the program. (Time: 2:26 p.m.)

**NO ACTION TAKEN**

7. **AI-46532** Scope and Fee from Freese and Nichols, Inc. for a flood study on a portion of Rush Creek located in unincorporated area of Collin County FM2514 and Paul Wilson Road near Wylie, Texas, Engineering.

Clarence Daugherty, Engineering, explained there is an area on Rush Creek where a lot of filling by landowners has been going on over the years, and it has reached a point where something needs to be done. There are multiple landowners involved which makes it more complicated. Mr. Daugherty said the best and most practical way to handle this is to work with the landowners to have an engineer prepare a study to determine what needs to be done. The property owners did talk to engineers individually but did not agree on hiring one specific engineer. After many discussions, Mr. Daugherty presented a proposal to spend \$25,000 on the study and have the three property owners split the cost among them with the County as a fourth participant. The reasoning behind the County paying a portion is to provide the incentive to get the landowners to work with the County voluntarily as opposed to going through the courts. They have verbally indicated they would work with the County on this. If the Court agrees to this, Mr. Daugherty will go back to the landowners with written agreements and collect the money up front.

Commissioner Hale asked if all the landowners are the original owners since the filling has been going on. Mr. Daugherty believes these last three landowners have been involved all along. A motion was made to approve splitting the cost four ways with the landowners paying their shares up front. If anything changed from this motion, Engineering would need to bring this back to Court. (Time: 2:36 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Susan Fletcher

Vote: 4 – 0 Passed

**COURT ORDER NO. 2019-416-06-03**

8. **AI-46557** Application for participation in the Law Enforcement Support Office (LESO) Program with Defense Logistics Agency and approval of the State Plan of Operations with the state of Texas to allow the Sheriff's Office to utilize surplus military property at no cost to the County, Sheriff.

Sheriff Jim Skinner came forward and said, since he has been in office, he has never asked to procure anything from the 1033 Surplus Property Program. However, he would like to keep the option open in the event of a natural disaster or emergency. If during an emergency there was a need for tents, the County could procure them through the 1033 program at a fraction of the cost of buying them through the private sector. The Sheriff has no plans to procure anything through this program, but he does not want to limit the County from the ability to procure

something quickly in the event of an emergency. A motion was made to renew the agreement to give the Sheriff the opportunity to procure necessary items in order to carry out the duties of his office.

Judge Hill said there is a standing policy in place and asked if the intent of the motion was to keep that policy in place and renew the agreement for the 1033 program or to set that policy aside and renew the 1033 program. Commissioner Fletcher said the Sheriff has demonstrated leadership and good judgment. Commissioner Hale said he was in favor of renewing the agreement and, if the policy needed to be amended, that could be done at a later date. The motion was amended to renew the policy as it is currently written.

Judge Hill said, before Sheriff Skinner was in office, an elected official had procured items through the 1033 program without getting approval from the Court. Those items were not on the list of approved items, were accepted, and kept in inventory for six months before the Court was informed of the procurement. As an advocate of total transparency, Sheriff Skinner said it would be his commitment to the Court and the citizens of Collin County that he would come to the Court and discuss it before he purchased anything from the 1033 program. Judge Hill said he was in favor of renewing the current court order and policy and would be open to amending it if there was a need. Commissioner Webb wants the agreement to include the Court's approval before anything is procured using the 1033 program regardless of what budget the funds come from. Sheriff Skinner said there is nothing he would procure from the 1033 program without bringing it to the Court for their approval first. The motion was again amended to approve the Sheriff's participation in the 1033 Surplus Property Program with the requirement that the Sheriff get the Court's approval prior to any procurement. (Time: 2:50 p.m.)

Motion by: Commissioner Susan Fletcher

Second by: Commissioner Darrell Hale

Vote: 4 – 0 Passed

**COURT ORDER NO. 2019-417-06-03**

**9. AI-38983** North Central Texas Council of Governments (NCTCOG) Executive Board monthly update, County Judge.

Judge Hill held this item so he could provide the Court with information from the May meeting of the Executive Board. (Time: 2:51 p.m.)

**HELD**

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

- a. SB29/HB281. Did Not Pass.
- b. Proposed Magistrate Bill. SB891 Passed.
- c. Additional District Courts. SB891 Passed.



- d. Creation of the Van Alstyne Municipal Utility District No. 2. HB2530 Passed.
- e. Creation of the North Celina Municipal Management District No. 3. HB4706 Passed.
- f. Lakehaven Municipal Utility District of Collin County. HB2535 Passed.
- g. Collin County Municipal Utility District No. 2. HB4672 Passed.
- h. Walker Farms Municipal Utility District. Not Filed.
- i. SB2/HB2. SB2 Passed.
- j. HB 1245. Did Not Pass.
- k. HB 705. Did Not Pass.
- l. Any other legislative items

Commissioner Fletcher would like an update of exactly what passed in conference committee. It is her understanding that the constitutional limits of the JP (Justice of the Peace) Courts was changed from \$10,000 to \$20,000, but they stripped the funding associated with this. The Commissioner would like additional language and information from staff about the projected impact to the County and especially the potential budget impact for providing the JP courts with the necessary support. Commissioner Hale agreed regarding SB2342 and wondered what will be pushed down from County Courts at Law to the JP Courts. The Commissioner is concerned about the loss in funding because the case costs are less at the JP level, and will there be a net gain of new cases placed on the JPs. The bill will be effective September 1, 2019. Commissioner Fletcher asked staff for an update on the bill as well as tracking additional costs and time requirements from September 1, 2019 moving forward. Also, the County may not be required to add an additional County Court at Law so quickly.

Commissioner Fletcher said, although SB 29 did not pass, there are some modest provisions that did pass and were tacked on to another bill that was germane which just required reporting.

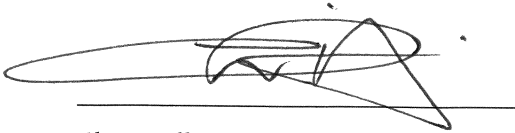
Commissioner Hale said magistration was approved and is ready to go. Bill Bilyeu, County Administrator, said magistration's two new courts become effective September 1, 2019. The Governor will appoint the positions and usually allows for time to get courtrooms in place. Mr. Bilyeu said funding for the additional court positions and the facilities will be ready by October 1, 2019. Judge Hill asked Mr. Bilyeu to reach out to the Governor's Office on the Court's behalf to let them know the County will be ready by October 1, 2019. (Time: 2:56 p.m.)

**NO ACTION TAKEN**

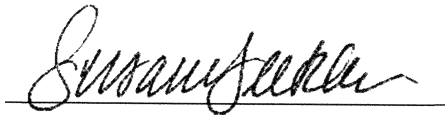
11. Future agenda items without discussion.

## **EXECUTIVE SESSION**

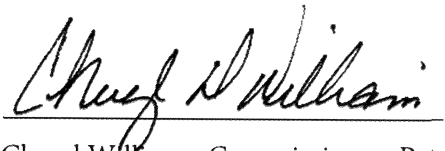
The Court did not recess into Executive Session. There being no further business of the Court, Judge Hill adjourned the meeting at 2:57 p.m.



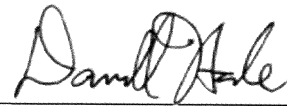
Chris Hill, County Judge



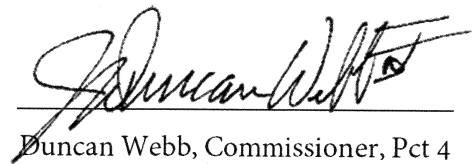
Susan Fletcher, Commissioner, Pct 1



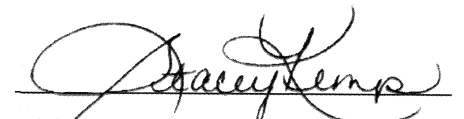
Cheryl Williams, Commissioner, Pct 2



Darrell Hale, Commissioner, Pct 3



Duncan Webb, Commissioner, Pct 4



ATTEST: Stacey Kemp, County Clerk