

State of Texas	§	Court Order
Collin County	§	2023-231-03-20
Commissioners Court	§	

An order of the Commissioners Court approving the filing of the February 20, 2023 minutes.

On Monday, February 20, 2023, 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.
Judge Hill led the Pledge of Allegiance.
Commissioner Webb led the Pledge of Allegiance to the Texas Flag.

Judge Hill called to order the meeting of the Collin County Commissioners Court at 1:30 p.m. The meeting recessed into Executive Session at 1:33 p.m. and reconvened at 3:22 p.m. The meeting was recessed at 3:44 p.m. and reconvened at 3:44 p.m. Judge Hill adjourned the meeting at 4:16 p.m.

President Hill called to order the meeting of the Collin County Health Care Foundation at 3:44 p.m. and adjourned the meeting at 3:44 p.m.

DECISIONS MANDATED BY LEGAL ENTITIES OUTSIDE OF COMMISSIONERS COURT AUTHORITY:

1. AI-53606 Personnel Appointments, Human Resources.
2. AI-53607 Personnel Changes, Human Resources.

FYI NOTIFICATION:

1. AI-53585 P-Card Disbursements, Auditor.

2. **AI-53596** Change Order No. 1 to YMCA HVAC Rentals (Contract No. 2022-445) with HERC Rentals, Inc. to exchange the two (2) twenty ton A/C units for one (1) forty ton combination A/C & heat unit, Purchasing.

3. **Notification of budget adjustment(s)/amendment(s), Auditor:**

a. **AI-53586** \$86,849.04 to establish the budget for the FY2023 Bullet-Resistant Shield Grant for Constable, Precinct 3 through the Office of the Governor, Criminal Justice Division.

b. **AI-53587** \$100,625.28 to establish the budget for the FY2023 Bullet-Resistant Shield Grant for the Sheriff's Office through the Office of the Governor, Criminal Justice Division.

c. **AI-53593** \$423,379 to reallocate for the FY2022 GASB87 lease update, Auditor.

COMMISSIONERS COURT BUSINESS:

1. **Consent Agenda Items:** Judge Hill asked for comments on the consent agenda. Commissioner Webb pulled item 1d1, and Commissioner Hale pulled item 1f6. 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 Susan Fletcher

Vote: 5 – 0 Passed

a. **AI-53588** Disbursements for the period ending February 14, 2023, Auditor.

COURT ORDER NO. 2023-129-02-20

b. **AI-53589** Indigent Defense Disbursements, Auditor.

COURT ORDER NO. 2023-130-02-20

c. **Agreement(s):**

1. **AI-53600** Personal Services Agreement with Denise Martinez (Contract No. 2023-213) for Clinician of the VALOR Program, grant exemption from the competitive bid process per Texas Local Government Code 262.024(a)(4), and further authorize the Purchasing Agent to finalize and execute same, 296th District Court.

COURT ORDER NO. 2023-131-02-20

2. **AI-53592** Interlocal Agreement with the City of Plano concerning the Los Rios Park Trail Project, Bond Project No. OI18PG32, Engineering.

COURT ORDER NO. 2023-132-02-20

d. Amendment(s):

1. **AI-53483** No. 1 to Interlocal Agreement with the City of Lucas for Law Enforcement Services (Agreement No. 2021-375) to accept Amendment No. 1, and further authorize the Purchasing Agent to finalize and execute associated documents, Sheriff.

Commissioner Webb said the City of Lucas has not paid for the two patrol officers for the current fiscal year per the agreement. Until Lucas pays the County, Commissioner Webb cannot approve additional officers for the city.

Judge Hill asked Linda Riggs, Auditor, why the City of Lucas has not paid. Bill Bilyeu, County Administrator, recommended discussing this in Executive Session under the security in law enforcement topic. The Court agreed.

Judge Hill recessed Commissioners Court into Executive Session at 1:33 p.m. under the Security Chapter in the Local Government Code. The meeting was reconvened at 3:22 p.m. The Court did not take any action in Executive Session.

With no further discussion, a motion was made to approve this item. (Time: 3:23 p.m.).

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Susan Fletcher

Vote: 5 – 0 Passed

COURT ORDER NO. 2023-133-02-20

2. **AI-53572** No. 15 to Frontier Parkway Improvements (Agreement No. 2016-229) with Birkhoof, Hendricks & Carter, L.L.P. to add design and construction administration efforts for two (2) turn storage bays to be paid for by the City of Celina, further authorize the Purchasing Agent to finalize and execute same; budget amendment in the amount of \$12,000 when funds are received, Engineering.

COURT ORDER NO. 2023-134-02-20

3. **AI-53573** No. 16 to Storm Water Management Program (Contract No. 12179-08) with Jacobs Engineering Group, Inc. to add 2023 annual report and related activities for phase II support services, and further authorize the Purchasing Agent to finalize and execute same, Engineering.

COURT ORDER NO. 2023-135-02-20

e. Contract Renewal(s):

1. AI-53584 Large Project HVAC Commercial Plumbing & Emergency Repairs (Contract No. 2023-144) with The Brandt Companies, LLC to extend the contract for one (1) year through and including February 29, 2024, Facilities.

COURT ORDER NO. 2023-136-02-20

f. Miscellaneous:

1. AI-53595 Final plat and sign plan for Raintree Estates, Engineering.

COURT ORDER NO. 2023-137-02-20

2. AI-53583 Payment of various invoices in the amount of \$2,616.90 utilizing Inmate Commissary Funds, Sheriff.

COURT ORDER NO. 2023-138-02-20

3. AI-53594 Acceptance of the FY2023 US Marshals Service - Violent Offender Task Force Grant award in the amount of \$45,000, Sheriff.

COURT ORDER NO. 2023-139-02-20

4. AI-53565 Amended 2023 Collin County Historical Commission historic tax abatement recommendations, Special Projects.

COURT ORDER NO. 2023-140-02-20

5. AI-53608 Personnel Appointments, Human Resources.

COURT ORDER NO. 2023-141-02-20

6. AI-53610 Personnel Changes, Human Resources.

Commissioner Hale congratulated the three County employees who are taking additional responsibilities or being promoted to new positions. They are Rebecca Aviles, Sandra Gorthey, and Shannon Jackson. Commissioner Hale moved to approve this item. (Time: 3:23 p.m.).

Motion by: Commissioner Darrell Hale

Second by: Commissioner Susan Fletcher

Vote: 5 – 0 Passed

COURT ORDER NO. 2023-142-02-20

7. AI-53631 Participate in Opioid settlement with Allergan, Administrative Services.

COURT ORDER NO. 2023-143-02-20

8. AI-53632 Participate in opioid settlement with CVS, Administrative Services.

COURT ORDER NO. 2023-144-02-20

9. AI-53633 Participate in opioid settlement with Walgreens, Administrative Services.

COURT ORDER NO. 2023-145-02-20

10. AI-53634 Participate in opioid settlement with Walmart, Administrative Services.

COURT ORDER NO. 2023-146-02-20

2. General Discussion Items:

a. AI-53598 Public Hearing - Consideration and any action for the issuance of a mass gathering permit for the Garden Show event on March 18-19, 2023 at Myers Park Event Center in accordance to Health and Safety Code Chapter 751, Special Projects.

Judy Moody, Myers Park Event Center, said the center received the application for the Garden Show event to be held in March.

Judge Hill opened the public hearing at 3:24 p.m. and asked for comments. Elamurugu Vaiyapuri, Princeton, asked the Court to please ensure there is enough space available on the sidewalks during this event. Hearing no further comments, Judge Hill closed the public hearing at 3:25 p.m.

A motion was made to approve this item. (Time: 3:25 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Cheryl Williams

Vote: 5 - 0 Passed

COURT ORDER NO. 2023-147-02-20

b. AI-53575 Possible Bond Election, Commissioner Precinct 4.

Commissioner Webb said it has been almost five years since there has been a bond issue. There is a small amount of money left in the transportation portion of the bond, but most of the open space has been sold and distributed. The Commissioner suggested having the Planning Board look at the needs throughout the county in terms of facilities, open space and transportation.

Commissioner Hale said there are concerns regarding roads along the edges of the cities where a lot of the MUDs (Municipal Utility Districts) are being set up. There is high utilization of these roads by more than just city residents which is leading to many roads being destroyed. The roads are broken up in segments by city and county jurisdiction making it difficult to make improvements unless the standard moves to using concrete for all roads. With the new annexation rules, the County will need to take the lead to establish the arterial roads and get the roads completed. Judge Hill agreed the paradigm has shifted for road projects due to the new annexation laws and how cities can annex roads. The Judge wants to make sure the County is prioritizing taking care of County responsibilities before budgeting to take over city and state responsibilities.

Commissioner Williams said the County will need to identify county roads operating as arterials and thoroughfares to consider widening them as well and possibly adding turn lanes for intersections. Due to many neighborhoods within the County becoming denser, the County needs to identify roads in those areas requiring additional capacity to accommodate these populations. Commissioner Williams also wants to ensure the County Animal Shelter is not forgotten when discussing infrastructure especially since Frisco chose not to put an animal shelter on their recent bond. As the population grows, so does the animal population, and the County is at capacity right now.

Commissioner Fletcher added an assessment regarding the expansion of the courts within the next two years. She was informed of the potential needs for County Court at Law as well as an additional Probate Court. The Commissioner thanked Judge Jennifer Edgeworth, 219th District Court, for attending today's Court in case there were questions.

Commissioner Webb agreed with everything brought up by the other Commissioners. However, with respect to the courthouse expansion, he said it could take five years. With the County's growth, Commissioner Webb doesn't want to delay this any further to ensure facility obligations, including the Animal Shelter, are met. We are using ARPA (American Rescue Plan Act) funds to assist with some of what has already been approved, but the County will have to come up with extra money. He suggested having the Planning Board do an initial analysis getting detailed information to identify future needs. The Court agreed this would then need to be voted on by constituents to determine the priority for each item. A motion was made to ask the Planning Board to prepare for a bond election in November and bring forth their recommendations to the Court for analysis (Time: 3:38 p.m.)

Motion by: Commissioner Duncan Webb

Second by: Commissioner Susan Fletcher

Vote: 5 - 0 Passed.

COURT ORDER NO. 2023-148-02-20

Bill Bilyeu, County Administrator, proposed bringing this forth in a workshop with the Planning Board and providing them detailed direction. The Court agreed and will discuss scheduling this workshop with Mr. Bilyeu. (Time 3:39 p.m.).

c. **AI-5362** Boards & Commissions Appointments, Commissioners Court.

Commissioner Williams made a motion to appoint Jennifer Wakefield to the Collin County Historical Commission. (Time 3:39 p.m.)

Motion by: Commissioner Cheryl Williams

Second by: Commissioner Susan Fletcher

Vote: 5 – 0 Passed

COURT ORDER NO. 2023-149-02-20

d. **AI-44358** Conference of Urban Counties update, Commissioner, Precinct 1.

Commissioner Fletcher updated the Court on the last CUC (Conference of Urban Counties) Policy Committee meeting. At the time of the meeting, there had been 2,334 House Bills (HB) and 992 Senate Bills (SB) filed so far during the Legislative Session. The CUC is tracking 1,775 of those bills. At the time, it was day 35 out of 140. The last day a bill can be filed for consideration is the 60th day of the Legislative Session. Last Thursday night in San Marcus, Governor Abbott informed the Legislature and public of his priorities. She noted Lt. Governor Patrick is looking to increase the homestead exemption from \$45,000 to \$70,000 in additional property tax relief.

Commissioner Fletcher presented a flyer outlining key items being worked on by the CUC during the current Legislative Session. These included taxpayer shifted costs which in turn increases property taxes. She also noted the Legislative Budget Board has stopped contacting local governments on these bills. Therefore, it is up to the local governments to find out about legislation. Thankfully, Collin County is being notified through our associations like the CUC and TAC (Texas Association of Counties) which allows the County to advocate for the unintended consequences of these decisions. A bill from last session where this happened was SB 628 which required a wellness check on medically fragile and compromised people in the County within 24 hours. This was a burden on County deputies and in some cases delayed them from being able to respond to people who had made emergency calls and were in dire need of assistance. Additionally, some of the information on the lists regarding the medically fragile and compromised people was inaccurate which caused more issues. The Texas Division of Emergency Management (TDEM) is working with Senator Kolkhorst to draft rules and get amendments made to the bill to fix the issue.

Regarding the illegal subdivisions, Commissioner Fletcher informed CUC about the two bills being filed by Representative Leach and Senator Paxton which will be followed by the CUC at their next meeting. The Annual Legislative Conference is March 29-31 in Austin at the Steven F. Austin Hotel (Time: 3:44 p.m.)

NO ACTION

Judge Hill recessed Commissioners Court at 3:44 p.m. and called to order the Health Care Foundation. The meeting was reconvened at 3:44 p.m.

3. Executive Session Items:

The Court had recessed into Executive Session at 1:33 p.m. to discuss item 1d1 and returned to open court at 3:22 p.m.

Public Comments not related to an item on the Agenda.

Fred Costa, Prosper, did not want to speak but turned in a blue card to express his support for Segment A for the US380 bypass.

Judith Dishong, Plano, commended Sheriff Skinner and everyone involved in the two seizures of fentanyl pills totaling 48,000 pills. She was very glad to see the coordination between the sheriff's offices across Texas in this effort. Ms. Dishong said all she wants from her government is essential services which appears to be lessening recently. She was rear ended in October and then again in early February and found it very difficult to get a police officer to respond to an accident scene or get a copy of the police report unless there was an injury. She was lucky enough not to be injured, however, Ms. Dishong said great harm was done because her insurance cancelled her even though she was not at fault.

Sherri Eubank, McKinney, attended the TxDOT (Texas Department of Transportation) hearing last Thursday regarding the US380 bypass. TxDOT said their decision was based on the analysis. The reasons listed for why Segment A was chosen over Segment B were: it displaced fewer homes, results in fewer impacts on development of future homes, and avoids displacing future developments of homes. This appears to indicate avoiding significant impact to homes and residences is a top priority. However, when reviewing the analysis for Segments C and D, the analysis listed fewer impacts to major utilities, total segment cost is less to construct, and minimizes impact to the flood plains. There appears to be a discrepancy between the criteria TxDOT used for Segments A and B as opposed to the criteria for Segments C and D. Segment C was chosen despite the greater impact to residences and the use of less of the existing US380 alignment. Furthermore, there's no consideration of its impact to the community. Ms. Eubank said, when reviewing the analysis, it does not mention how choosing Segment C would impact more homes than D. When she totaled up the criteria, Segment D was the clear winner. However, TxDOT

chose other factors to support its choice which seems to be more focused on cost. She asked the Court to oppose Segment C.

Rick Eubank, McKinney, came to speak on Segment C and D of the US380 bypass. He said TxDOT's switch from choosing Segment D to Segment C is surprising since their initial decision was based on the feasibility study completed in April of 2021. The subsequent segment analysis matrix does not show any significant differences with the feasibility study. Yet, TxDOT suddenly selected Segment C. Their reasons for switching segments were costs which seems to be the most important criteria for TxDOT. Mr. Eubank said, although TxDOT publicly claims to be working extensively with local governments, they have stated privately they would ignore any input from local governments. In addition, TxDOT said they want to avoid any pressure from local governments in re-evaluating their analysis to possibly change their decision.

Judge Hill said Mr. Eubank's comments reference a discussion from last week. Judge Hill asked Mr. Bilyeu to call Clarence Daugherty, Engineering, to provide a report on the information the Court requested regarding this matter.

J.D. Eubank, McKinney, came to review the data analyses by TxDOT which had multiple errors and inconsistencies. On page 1, Segment D is listed as having a lower level of service than Segment C. However, when reviewing the traffic analysis in appendix I, Mr. Eubank said Segment D carries 27% more average daily traffic and higher speed limits than C indicating D would have better level of service. Regarding engineering on page 2, Segment C is listed as having fewer major utility outlets. However, Mr. Eubank said the report fails to include all of the utility pipelines along Segment C including two wastewater pipelines. On page 3 regarding displacements and land use, Segment D is listed as having fewer residential displacements. However, when reviewing TxDOT's updated environmental constraints map, it reveals 12 residences are marked for displacement for C instead of 10. For environmental and natural resources, Segment C affects fewer acres of wetlands. However, when Mr. Eubank used the maps in appendices D & N to calculate the area of wetlands that only roads will intersect, it reveals Segment C crosses 10.7 acres of wetlands whereas Segment D crosses only 2.4 acres. Mr. Eubank said Segment D effects 112% less feet of rivers and streams, 72% fewer acres of forest and 330% fewer of prairies and grasslands. On page 7 regarding induced growth and public input, Texas Parks and Wildlife Department (TPWD) opposes both Segments C and D. However, appendix E reveals TPWD prefers Segment D which is omitted from the matrix. Given the significant degree to which data is incorrectly reported and analyzed, Mr. Eubank cannot imagine how TxDOT can draw reasonable conclusions or make a sound decision. He asked the Court to take an opposing position regarding Segment C due to TxDOT's faulty analysis.

Karen Thompson, McKinney, owns a farm with her husband which they've transformed into a dream retirement home and farm. Their farm performs numerous functions including raising cattle for FFA and 4H students, providing boarding for injured horses, pecan trees, honey bees, fruit trees, hay production,

and hosting children from the city to experience life in the country. Segment C will cost this farm all of their prime hay production pasture which is income for them as well as food for their animals. Ms. Thompson said the freeway will be 200 feet from the house they have built. Even though a TxDOT official has told her it will be fine, Ms. Thompson said her family does not feel fine. Wildlife will disappear as their habitat is taken away, and they will lose more of their pecan trees. The Thompson family pet cemetery will be plowed under, and they will be forced to decrease their cattle herd which will be lost income. They will lose their sense of community with the other farms. Last week, Ms. Thompson asked TxDOT about their plans regarding construction but received no answer.

Joe Borchard, McKinney, said he has spoken to the Court for the past two weeks concerning the US380 bypass since his community is not represented by the city of McKinney. Their only representation is through Collin County. He requested County support for the selection of Route D and objection to Route C since a significantly greater number of people would be disrupted if Route C is selected. Mr. Borchard said it seemed the County Commissioners felt they didn't have any influence on TxDOT on this decision. However, it was reported the lead TxDOT engineer for the project said the County would have influence on the direction of the project. He thanked the Court for taking the action to investigate the situation. Mr. Borchard was later told the County does not feel it has any influence on the decision and would not take a position. While attending the TxDOT meeting last week, of the five reasons given for choosing Route A over Route B on the west side, four were about minimizing impact to residences. The fifth reason was it would utilize more of US380. When reviewing the segment analysis matrix, Mr. Borchard noticed the decisions for the west side are primarily influenced by minimizing impact to people and the County took a stance preferring Route A which was chosen. Whereas, for the east side, the County did not take a stance regarding Route C verses D. Mr. Borchard requested the County take a stance on the east side as they did on the west side.

Paul Borchard, McKinney, thanked the Court for their service and time. He echoed many of the statements made by previous speakers. The impact of Route C is not acceptable compared to Route D, and he would like the Court to take a stand. He asked the Court to review the matrices referenced multiple times today as it shows a focus on the west side, and the east side is ignored. In the comments at the TxDOT meeting, 70% were from east side residents opposing Route C, and over 60% preferred Route D which shows what the community finds important. He said his community is not represented by the City of McKinney but by the Court, and they would like the Court to represent them in this matter. After last week's public comments, the Court asked the County Engineer to look into if taking a position would make a difference. Mr. Borchard said the easiest way to find out is to take a position. Lastly, Mr. Borchard said, in looking through the TxDOT analysis, some of the errors are pretty blatant such as Route D having a lower impact on wildlife because of the large number of flood plains.

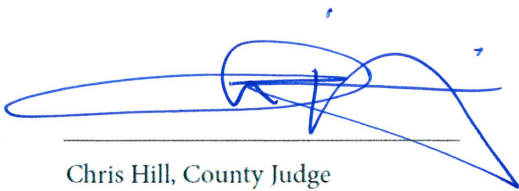
Amber Block, McKinney, provide an update on her understanding of the TxDOT meeting. She said there was a quick flip flop between C and D. The engineers at the table for Route C seemed under prepared and

not able to answer questions. When mentioning the utilities going through a specific area, the engineers had no idea those existed or the fact that some areas on the map were riding areas. Ms. Block is not confident TxDOT has done their due diligence especially with the research presented by J.D. Eubank. When Ms. Block spoke to the ROW (Right of Way) representative, she looked like a deer caught in the headlights. Ms. Block told the representative aerial photographs do not provide all necessary information. In addition, the aerial photographs and plats presented at the meeting were 2 years old and outdated which raises Ms. Block's concerns about the data TxDOT is using for these decisions. Regarding the cost analysis, she doesn't believe it is accurate because it doesn't take into account the cost in compensating all the people and the property affected. She gave an example of the importance in rotating pastures when keeping animals on ranches. If the front pastures are taken away, the ranches will be unable to rotate their animals as needed.

Clarence Daugherty, Engineering, provided information on the research he gathered regarding the US380 project. Judge Hill asked him to explore if any input from the County would be impactful in TxDOT's decision making, and what would it take to change their decision. Mr. Daugherty spoke to the senior TxDOT engineer, Susan Clemons. She stated the only way to influence a change in TxDOT's decision would be if enough mistakes are found on the analysis which, when corrected, would swing to the other side. Mr. Daugherty said the group of speakers today have done due diligence in reviewing the analysis and pointing out the mistakes. Further, Ms. Clemons stated any resolution from the County Court would not have an impact on TxDOT's decision. Mr. Daugherty said the fact that there were engineers present at last week's TxDOT meeting who did not have a clear understanding of the project is not an indication on the thoroughness of the analysis. It is common practice to invite a large number of engineers to a meeting who have not developed the analysis.

Judge Hill said he hoped the information provided by Mr. Daugherty was helpful to those in attendance. The County received feedback that any political influence would not impact TxDOT's decision. However, for those who can point out errors in the TxDOT decision making analysis, this is the most influential way of getting TxDOT to reconsider. It is critical to provide these errors to TxDOT. (Time: 4:16 p.m.)

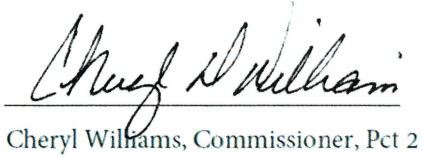
With no further comments, Judge Hill adjourned the meeting at 4:16 p.m.



Chris Hill, County Judge

Not Present

Susan Fletcher, Commissioner, Pct 1



Cheryl Williams, Commissioner, Pct 2





Darrell Hale, Commissioner, Pct 3

Not Present

Duncan Webb, Commissioner, Pct 4



ATTEST: Stacey Kemp, County Clerk