COURT ORDER NO. 2009-926-11-02

STATE OF TEXAS | **COMMISSIONERS COURT SPECIAL SESSION MEETING MINUTES**

COUNTY OF COLLIN | **OCTOBER 19, 2009**

On Monday, October 19, 2009, the Commissioners Court of Collin County, Texas, met in Special Session in the Commissioners' Courtroom, Jack Hatchell Administration Building, 4th Floor, 2300 Bloomdale Road, City of McKinney, Texas with the following members present, and participating, to wit:

Present:
Judge Keith Self
Precinct 1 Commissioner Matt Shaheen
Precinct 2 Commissioner Jerry Hoagland

Absent:
Precinct 3 Commissioner Joe Jaynes
Precinct 4 Commissioner Kathy Ward

Commissioner Shaheen led the Invocation.
Commissioner Hoagland led the Pledge of Allegiance.
Judge Self led the Pledge to the Texas Flag.

1. Judge Self convened the **Collin County Commissioners Court** meeting at 9:30 a.m.

2. Public Comments. Judge Self asked if any member of the audience would like to give public comment. There were no public comments.

GENERAL DISCUSSION

3. AI-30899 Construction: Collin County Courthouse Addition (CSP No. 06622-09) to Hunt Construction (budgeted), Construction & Projects.

Bill Burke, Construction and Projects, addressed the court with estimated costs for the Courthouse addition. Of the initial 17 proposals submitted, the selection was narrowed to four. Hunt Construction was selected by the scoring committee to be awarded the contract. Mr. Burke stated this selection was the second lowest bidder; however they were ranked as the most qualified. Commissioner Hoagland stated he would not support the item regardless of the recommendation because the value engineering was not completed. Judge Self asked for the time line of the "shelf life" of the bids.

Mr. Burke stated the County has until November 20th which is roughly 30 days to make a decision. Commissioner Shaheen asked for more information on commissioning and LEED certification. Mr. Burke explained the process.

Judge Self clarified that the recommendation from Mr. Burke was to award the project to a company who was more than one million dollars higher than the lowest bidder. Commissioner

Shaheen asked for further explanation as to why Hunt Construction was being recommended. Mr. Burke gave the Court the criteria for the selection and how the companies scored. Extensive discussion followed.

Frank Ybarbo, Purchasing, approached the court to explain the process the County would have to follow in order to begin negotiations with another construction company. Further discussion followed. Motion to go back to Hunt Construction to see if they will lower the price to match the lowest bidder. If Hunt cannot match the bid the County will close down negotiations with Hunt and go to the next qualified vendor by law. (Time 9:48 a.m.)

Motion By: Commissioner Matt Shaheen
Second By: Judge Keith Self
Vote: 2 - 1 Passed
Nay: Commissioner Jerry Hoagland

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4. AI-30953 Construction, Building: JJAEP and Juvenile Probation (CSP No. 11267-09) to Crossland Construction Company, Construction & Projects.

Bill Burke, Construction and Projects, addressed the Court to recommend the award of the JJAEP project to Crossland Construction. Mr. Burke presented six options of configurations to the Court. Each option offered details on build-outs and total cluster capacity. Mr. Burke received questions from the court.

Bill Bilyeu, Administrative Director, addressed the Court to give additional information on future use for build-outs on option number four. Joe Scott, Juvenile Services, approached to provide information regarding why some of the juveniles must be segregated from other students due to their violent nature. Mr. Scott used the example of a teacher in Tyler who was recently killed by a student with severe emotional disturbances to explain to the court why some of the students have to be separated from the others. Mr. Scott told the Court the reason he was asking for two build-outs was to accommodate the juveniles who had special needs and had to be self contained. Mr. Scott continued by saying they cannot put 20 emotionally disturbed juveniles in one class room. They had to have enough rooms for those with emotional issues. Commissioner Hoagland motioned to approve option four.
(Time 10:00 a.m.)

Motion By: Commissioner Jerry Hoagland
Second By: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

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5. AI-30955 Commissioners Court meeting dates for 2009-2010, Administrative Services.

Commissioner Shaheen stated he asked for this item to be added to the agenda in order to request of the Court to add more night meetings. Bill Bilyeu, Administrative Director, approached to inform the Court of the dates chosen for the weekly meetings and said holidays were considered when making the schedule. Mr. Bilyeu also explained that some of the off-site meetings may have to be moved to Tuesdays due to other Council meetings in session; therefore the schedule allowed for flexibility. Commissioner Shaheen said he wanted to have at least one night Court monthly to allow more public attendance. He continued by saying the last two night meetings showed a high

turnout of Collin County citizens. Motion to have one night meeting each month for a trial period of six months effective November 04, 2009.
(Time 10:02 a.m.)

Motion By: Commissioner Matt Shaheen
Second By: Commissioner Jerry Hoagland
Vote: 3 - 0 Passed

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6. AI-30967 Filling the vacancy in County Court at Law No. 6, Administrative Services.
Commissioner Hoagland requested the Court recess into Executive Session to discuss the item. Bill Bilyeu, Administrative Director, approached the Court to give additional information regarding this issue. Mr. Bilyeu stated the County had a legal opinion that Judge Willis, who recently vacated the position, could sign an affidavit to waive his salary through the end of his term, though he would still hold the position until he was replaced.

Commissioner Hoagland made a motion to accept Judge Willis' offer to waive his salary until an appointment is made to fill the vacancy.

Judge Self asked if this was allowed and if it would present any issues. Cynthia Jacobson, Human Resources approached to say the County could accept this offer without consequences and Human Resources would simply deactivate the Judge in payroll.
(Time 10:06 a.m.)

Motion By: Commissioner Jerry Hoagland
Second By: Commissioner Matt Shaheen
Vote: 3 - 0 Passed

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

There were no future agenda items.

EXECUTIVE SESSION

Judge Self recessed Court into Executive Session at 10:07 a.m. Judge Self reconvened the Commissioners Court at 10:09 a.m. to cite Local Government Code 551.087 and recessed the Court into Executive Session for Economic Development Negotiations at 10:09 a.m. Judge Self reconvened Court at 11:03 a.m.

Economic Development Negotiations (551.087)

AI-30866 Texas Instruments Tax Abatement, County Judge.

Judge Self reconvened the meeting into Commissioners Court at 11:03 a.m. Judge asked for a motion on the Texas Instruments Tax Abatement. Commissioner Shaheen made a motion to approve continuing the abatement with a proportional adjustment to the capital investment values.

Commissioner Hoagland expressed his opposition to the motion stating the economy would dictate the direction of the company and the County should not force them into adjustments on capital investments.

Judge Self responded saying he wanted to make a comment in open Court that the County wanted to continue the abatement which was approved several years ago with the understanding conditions had changed.
(Time 11:18 a.m.)

Motion By: Commissioner Matt Shaheen
Second By: Judge Keith Self
Vote: 2 - 1 Passed
Nay: Commissioner Jerry Hoagland

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There being no further business of the Court, Judge Self adjourned the meeting at 11:18 a.m.

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Kathy Ward, Commissioner, Pct. 4

COMMISSIONERS COURT COLLIN COUNTY TEXAS

ATTEST:

Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, TEXAS