

**MAY 11, 2015**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 11<sup>th</sup> day of May, A.D., 2015 at 9:00 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Jury Room (3<sup>rd</sup>) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:00 AM. All court members are present.
- 2) Pledge of Allegiance.
- 3) Moment of Silence.
- 4) Community Forum: None
- 5) Correspondence:

Burns reported that the water bill is in Senate Natural Resources Committee this afternoon. Clark stated Burns will attend the committee meeting on Clark's behalf.

Sheriff David Walker stated there will be several additional insurance claims for the Wise County Jail Law Enforcement/Jail Facility roof after the large amount of weather/rain over the weekend. Asset Control Officer Diana Alexander asked Walker to get with her regarding these claims.

***Skip to Supplemental Agenda item 1: Receive update from City of Fort Worth Water Department regarding City's biosolids program.***

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City of Fort Worth Water Director John Carman appeared before the court and outlined the following as stated on the handout provided (See attachment):

- Biosolids background
- Community Impact nuisance issues
- City of Fort Worth actions
- Regulatory Impact
- Contractor Claim Update
- Contract Extension Update
- Biosolids Facility Update
- Next Steps

Carman stated that he is the newly appointed water director for the City of Fort Worth. Carman introduced Assistant Director Sebastian "Buster" Fichera.

Carman described the scientific process of creating biosolids and summarized the process as "taking all of the dissolved material in the waste water stream converting it into bacterial bodies that settle out and run it through an anaerobic digester and compressing it down (dewaterization)." Carman stated the City of Fort Worth processes approximately 80 dry tons per day of material from the waste water facilities totaling .15 lbs. of solids for every man, woman and child in the service area.

Carman stated the City of Fort Worth has been a member of the National Biosolids Partnership since 2005 and are "Environmental Management System" certified. Carman stated the partnership is a third-party system program that audits the process/procedure of the City of Fort Worth. Carman stated farmers and ranchers prefer biosolids as a fertilizer as an excellent soil amendment; improves moisture content and is less expensive than commercial fertilizers.

Carman outlined the Biosolids Processing Facility consisting of dewatering, transport, lime stabilization and finally, land application or disposal in a landfill. Carman stated there are 74 Texas Commission on Environmental Quality (TCEQ) Notified Application Sites. Carman stated application sites are farther and farther away from metropolitan area to find farmland as farms get converted into subdivisions.

Carman referenced historic odor complaints and stated the complaints were due to changing wastewater conditions, poor solids settling, and inefficient biosolids dewatering. White asked the cause of the odor? Carman explained one change being a chemical change in levels of ferrous sulfate in the waste water. Another change was mechanical in nature and inefficient biosolids dewatering. Carman stated the presses were wearing out. Fichera explained equipment wear over time and equipment upgrades.

Lamance asked if Carman and Fichera were aware the equipment was wearing out? Fichera stated they were aware the equipment was wearing down. Fichera continued the manufacturer of the equipment came out periodically to maintain the equipment but there comes a time when it

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has to be decided to continue replacing parts or purchase new equipment. Fichera stated they are at the point to purchase new equipment.

Project Manager Glenn Hughes discussed the City of Fort Worth's knowledge of odor issues/complaints but thanked Carman and Fichera for being present to discuss the biosolids program with the county.

Clark requested to continue the presentation as some items in the presentation have to do with changes and updates.

Carman outlined the following in response to odor complaints (Page 4-5 of attachment):

- Outreach, tour, education and updates of biosolids process
- Citizen Action initiated regulatory response with TCEQ.
- City of Fort Worth Biosolid Processing and Monitoring Improvements
- Contractor Land Application Improvements: truck cleaning, staging area, mud-flap cleaning, site departure and road clean-up.
- Regulatory Impacts: City of Fort Worth and Contractor odor control plan; daily odor monitoring at Sludge-Only-Landfill (SOL) and Land Application sites; Increased record keeping; Increased biosolids staging management; signage.

Carman stated the City of Fort Worth has a contract with Renda Environmental, Inc. (Renda) for the management of biosolids. Carman stated Renda filed a claim with the City of Fort Worth for \$9.4 million dollars because of the water levels in the biosolids. Carman stated a third-party auditor reviewed the claim and reduced it to \$4.67 million. Carman stated the contract with Renda has been extended from April 2015 to March 2020. Carman stated the five year contract cost went from \$45,411,304.00 to \$67,330,360.00 and was an extensive change.

Carman outlined the following biosolids facility upgrade: sixth belt press and supporting infrastructure (part of City of Fort Worth capital expenses program); upgrades to solids thickening and biosolids dewatering facility.

Clark asked Carman about hiring someone as an inspector? Fichera stated the city is in the process of filling the position pending completion of a compensation and salary study. Fichera corrected himself stating the position is filled. Clark stated one of the concerns is that the "rules were in place but there often was not anybody to oversee that things were being done as they should." Fichera stated there was one person in the position of inspection with the duties of application site inspection before, during and after application and take environmental measures to make sure we were minimizing impact. Fichera stated that this person "at any time she felt that the odors would be a nuisance she could shut things down and ask them to leave." Fichera stated this employee was working on her own and now has additional help.

Burns told Carman and Fichera he appreciates the changes and efforts that have been made. Fichera told the court he completely understands not wanting to be in an area that is impacted by

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an odor nuisance and the City of Fort Worth is doing everything they can to minimize this. Fichera addressed Hughes' comments about prior knowledge of odor nuisance. Fichera stated the City of Fort Worth generates 80 dry tons of biosolids per day twenty-four hours per day seven days a week, year round. Fichera stated the city was trying to determine the cause of the odor nuisance and was trying to fix it while biosolids were continuing to be generated. Fichera stated he feels the city has solved the issue.

Fichera discussed site monitoring of biosolids and told the court that if the biosolids do not meet the requirements to not cause an odor nuisance then the biosolids will go to the landfill.

Hughes echoed Burns' comments and thanked Carman and Fichera for their comments and information.

Carman asked if there were other questions.

***Back to regular agenda item 6: Consider and act on extending the maintenance of CR 1856.***

Burns stated CR 1856 is near Crafton and is on the 911 Addressing map; and, for public interest the county needs to maintain part of that road. Burns stated that, in fact, the county hasn't maintained a tenth of a mile of the road in a number of years since before Burns became commissioner. Burns stated it was an old county road where a portion of the road was closed. Burns stated two people live not quite 1/10 of a mile further up the road. Burns stated it is on the map that we're supposed to do it but the map is incorrect. Burns stated he wants to take care of the people on that 1/10<sup>th</sup> of the road and maintain it just a bit farther. Burns stated it is less than 1/10 of a mile.

Lamance asked Burns why the maintenance was stopped short? Burns told Lamance "because a commissioner decided not to do it anymore that's why." Burns stated the rest of the roadway has been closed. White confirmed there is no future need to go past that. Burns stated CR 1856 used to loop into another road but the entire loop is gone and the fences have been moved and it's totally abandoned.

Commissioners Court Attorney Thomas Aaberg confirmed with Burns that the 1/10 of a mile has not been closed but has not been maintained.

Clark asked Burns to educate him on the roads process? Clark asked Burns if this is something he can just decide to do on his own [without court approval]? Burns stated, "It is not." Burns continued "Let's just say, in case I get mad at you and not decide maintain your road then the next commissioner cannot pick it up without court action." Clark confirmed "even though it's our road." Burns stated if the road was not historically maintained 10 years prior to 1981 then I don't get to do it. Burns continued that most roads are prescriptive rights and about 2002/2003 the county changed it 2003/2005 we were allowed to take title to the road (basically). Clark asked if a commissioner can discontinue maintenance as in the previous scenario without court approval? Burns confirmed this and that the next commissioner cannot pick it back up because

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the county doesn't have historic maintenance of the road as it was abandoned by the commissioner."

Lamance commented "That's a funny rule." Burns agreed and state this is not a good thing and this is a situation that in order to pick the road back up it requires court action. Burns stated he just wants to take care of the people.

Motion made by Burns seconded by White and unanimously adopted by the Court to extend the maintenance of County Road 1856 (Precinct No. 2), as presented. (No attachment)

Aaberg requested to get with Burns and discuss this road issue. Burns commented that he has several roads like this.

7) Motion made by White seconded by Kennedy and unanimously adopted by the Court to appoint County Judge Clark and Commr. Precinct No. 2 Burns to the Bridgeport Tax Increment Financing Reinvestment Zone No. 1 Board expiring in May 2016. (No attachment)

8) Clark stated that he, Aaberg and McCuiston want to discuss the indigent burial procedure/process with the court as there have been complications recently with the process. Clark stated they have reviewed other counties procedures.

Kennedy asked the current process? Clark advised there is an application that people fill out for indigent burial but the county doesn't have much of a role in the approval/denial process of the applications. Clark stated the application is signed off by the funeral homes. Kennedy confirmed the county pays the burial cost.

Aaberg referenced Health and Safety Code 692.004 "the county shall set the procedure." Aaberg stated the code doesn't say how or how much is to be spent.

Clark stated Wise County is spending over \$30,000.00 per year in indigent burial costs as compared to Denton County who spends approximately \$40,000.00. Burns commented "That tells you there is something wrong."

Clark commented, "It doesn't make much sense to me that the county doesn't have involvement in the application process when someone wants to apply for indigent burial." Burns asked if the county can utilize/modify the Indigent Health Care procedure to apply to indigent burial?

Indigent Health Care Director Beverly Kalisek stated that her staff determines a person's qualifications based on income, other resources and Wise County residence. Kalisek stated she utilizes Accurint to perform background checks.

Clark stated the indigent burial application process should be similar to determining if an applicant qualifies for indigent health care services. Clark stated the county could handle

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indigent burial applications in the same manner. Clark confirmed this is something Indigent Health Care can do the research on and advise if the person qualifies for indigent burial.

Aaberg stated recently there was a case where someone was named (HSC 711.004) where the person is first in line to say what happens to a body. Aaberg continued that there may have been a family member and the person still came in as indigent and "We didn't know what happened in between that time because of the way the system is set up we didn't really go back and see if the first person wanted it (the body) or other family members wanted the body so we did an indigent burial."

Burns commented that a judge west of here said that the county pays for cremation only and that "if you want to bury your loved one you pay for it". Burns stated this significantly reduces indigent burial costs.

Kennedy commented that he was advised by a commissioner at conference that their only expense was for autopsy and burial. Kennedy discussed this was in Kennedy County (population 400) and the Sheriff's Department does it [the burial].

Burns stated if a county is below a certain population the county does the interment. Kennedy stated he wasn't sure of state funding/support.

Walker stated the county only does the graveside. McCuiston stated the current policy is priced as follows: \$1,200.00 for coffin, etc. and \$400.00 for the plot. McCuiston stated an application is in place but there is no county-review of the application. McCuiston stated if cremation is preferred the cost is \$1,200.00 with no plot cost. Clark stated that many other counties policies have been reviewed and many are if it is handled with county indigent dollars then it is cremation only option; if "you" want something other than that it is your responsibility. Clark stated this is for informational purposes only.

Aaberg stated it is legal because the county is setting up procedure; "It's your procedure you're saying cremation no burial and I think we've seen some of that if you're going to pay for a burial we'll pay for cremation and you pay anything over that." Clark stated the funeral homes are going to appreciate some "tightening of procedure" because they're in a judgment-making position determining indigence.

Aaberg stated the only time this would be an issue is when the funeral home doesn't know who the body is; they cannot cremate an unknown body.

Clark stated this is something that can be brought back to future courts with policy drafts while working with Kalisek.

Public Works Director Tom Goode asked if all indigents are buried in (Decatur) Oak Lawn Cemetery? Goode stated they set thirty headstones that the cemetery association paid for. Clark told Goode he didn't think so because some of the invoices are for other cemeteries. Clark stated

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there are other cemeteries named on the invoices. Burns stated the county owns the plots but they're very small.

No action taken at this time; discussion only.

9) No action taken by the court regarding "Discussion of National Association of Counties "Stepping Up" Initiative related to mental illness in jails." Clark stated this will be on a future agenda.

10) No action taken regarding consideration and action on re-plat of Brantley Acres – Lots 40-41 (Pct. 4). The plat is not ready.

11) Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to approve the final plat of Cottonwood Creek Estates, Lots 1-6, Precinct No. 3, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

12) Donations:

Motion made by White seconded by Lamance and unanimously adopted by the Court to accept the following donations with the court's thanks:

- Preskitt Cemetery \$300.00 for Fund 77
- Crimestoppers print dusting for the Sheriff's Department (\$3,099.50 value)

13) Bids:

Asset Control Officer Diana Alexander stated the court received a quote from Houston-Galveston Area Council (HGAC) on a vehicle that is the only one in-stock as the dealer is between model years. Alexander stated HGAC is holding the vehicle pending court action. Alexander stated the vehicle meets requirements and is a 2015 GMC Yukon.

McCuiston confirmed there is \$33,000.00 in capital expenditures for this and some additional monies will need to be pulled from elsewhere in capital funds.

Clark asked the plans for the current vehicle? Extension Agent Tanya Davis stated the Extension Office is programming more than ever; pulled in many directions and the department could use the third vehicle (currently has two vehicles).

Extension Agent Todd Vineyard stated the agents are going in different directions and taking lots of kids around and requested to keep the existing vehicle in the fleet. Clark asked if they've had to transport kids in personal vehicles? Vineyard confirmed they have used their personal vehicles.

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Vineyard and Davis confirmed they currently have two vehicles and are requesting a third new vehicle. McCuiston stated the department has had to rent vehicles in the past. Clark stated "Taking kids in personal vehicles worries me. If something were to happen I'd rather it happen in a county vehicle."

White asked about trading in a current vehicle? All agreed that had not been discussed in the past regarding this purchase.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize the purchase of a 2015 Yukon for the Extension Office via HGAC. (See attachment)

The court tabled action regarding Bid No. 15-600-033 for the purchase of one or more new truck tractor pending further review of specifications. No motion made by the court. (See attachment)

The court tabled action regarding Bid No. 15-600-034 for the purchase of Sheriff Uniforms pending Sheriff Walker's review. No motion made by the court. (See attachment)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award Bid No. 15-600-035 for the purchase of precoat rock Grade 3 to Martin-Marietta (Bedford, TX), as presented. (See attachment)

Alexander stated Emergency Medical Services (EMS) Director Charles Dillard requests to cancel the uniform contract and purchase via Buyboard. Alexander confirmed Emergency Medical Services (EMS) previously cancelled the "Gotcha Covered" bid and he requests to cancel the bid with Ad Vision for Emergency Medical Services (EMS) uniforms.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to cancel the Emergency Medical Services (EMS) uniform bid with Ad Vision and authorize Dillard to purchase uniforms via Buyboard (GT Distributors). (No attachment)

Alexander stated Fire Marshal/Emergency Management Coordinator Chuck Beard doesn't have any source for uniform purchases and requests to utilize Buyboard, as well.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to authorize Fire Marshal/Emergency Management Coordinator Chuck Beard to purchase uniforms via Buyboard (GT Distributors). (No attachment)

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for the sale of a lot of used tires (Precincts, Public Works and Emergency Medical Services (EMS)) located at individual precincts.

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Alexander stated Walker requested to have an old Emergency Medical Services (EMS) ambulance be transferred to the Sheriff's Department to be outfitted as a crime scene vehicle. Walker stated he has a crime scene vehicle budgeted for FY2016 that can be pulled from the request if he is allowed to get an old Emergency Medical Services (EMS) ambulance and have it outfitted for that purpose. Walker estimated \$100,000.00 as cost of a major crime scene vehicle.

Clark asked what it would do? Walker stated that all chemicals and other necessities would be on scene for a major crime scene investigation. Walker stated the current van doesn't have all of the lighting and necessary space for processing. Walker stated the ambulance has approximately 100,000 miles on it and would be perfect for the Sheriff's Department needs. Walker stated it wouldn't have to be gutted and the current storage would work. Clark asked if this is one of Walker's capital purchase requests? Walker told Clark it is not in capital; it is in budget line 568 for FY2016.

Lamance asked how often a crime scene vehicle is used? Walker explained that both CSI deputies are in Chevy Tahoes and do not go to the same investigations. Walker the county assists with all local police departments for investigation scenes as well assist other counties on murder investigations. Lamance asked about removing equipment from one of the Tahoes and getting rid of one of the Tahoes? Walker stated the deputies use the Tahoes when they leave their residences on calls. Lamance asked about needing another deputy for the crime scene vehicle? Walker stated it will be parked at the S/O and the current van can be gotten rid of or moved over to prisoner transport.

Clark confirmed that Dillard would otherwise be selling the ambulance. Dillard stated a used ambulance would only bring \$8,000.00-\$12,000.00. Dillard confirmed that it is a GM diesel engine. Clark asked Walker if the retrofit of the ambulance would be part of the FY2016 budget proposal. Walker told Clark "Yes; Walker discussed marking the vehicle. It depends on some funds being available from FY2015 budget." Walker discussed retrofit options. Walker discussed the merits of processing evidence on-scene for chain-of-custody purposes.

Motion made by White seconded by Lamance and unanimously adopted by the Court to transfer an old Emergency Medical Services (EMS) ambulance to the Sheriff's Department. (No attachment)

Alexander presented information from Rooker Asphalt informing the court of a decrease in cost of liquid asphalt. (See attachments)

Alexander presented the following disposals that were found during asset inventory audit:

- Precinct No. 3 sold a welder at Ritchie Bros. Auctioneers auction with the trailer it was attached to being Asset No. 19828. Alexander stated the trailer wasn't mentioned in the motion to approve the sale of the welder.
- Public Works removed a storage building at the Wise County Park. Goode commented that it was falling down.

- For current record: the destruction of the old animal shelter building that is at the Fairgrounds that was previously approved for destruction.

Motion made by White seconded by Kennedy and unanimously adopted by the Court to authorize the disposal of the trailer from Precinct No. 3 that had a welder on it (Asset No. 19828); the old storage at Wise County Park and the old Animal Shelter Facility, as presented. (No attachment)

14) Consent Agenda Items:

Department Reports:

- County Clerk Monthly Activity Report April 2015 (See attachment)
- Public Works Monthly Activity Report April 2015 (See attachment)
- Ag Extension Monthly Activity Report(s) April 2015 (See attachments)
- Auditor's Report for April 2015 (See attachment)
  - McCuiston noted the county received the tobacco settlement totaling \$52,720.42 to be allotted to Indigent Health Care.
- Treasurer's Report for March 2015 (See attachment)

a) Budget Amendments:

(McCuiston noted the last budget Amendment was stated incorrectly on April 27, 2015 and was correctly numbered as FY15-15)

FY15-16 for various line items and including the Sheriff is moving funds around on part time and other funds to create a new position under 565 (Special Enforcement). Walker stated he took two part time positions and made them a full time position and the position request has been removed from the FY2016 budget proposal.

b) FY14 & FY15 – 3 Year Capital Expenditure Plan: none

c) Claims/Payroll:

- Claims Register dated 5/8/15
- Payroll Register dated 5/1/2015

d) Utility Requests:

- Enlink Midstream Services LLC for CR 2360 located in Precinct No. 2 (See attachment)
- Targa Midstream Services LLC for CR 1745 located in Precinct No. 2. (See attachment)

e) Interlocal Agreements: None

f) Contracts:

(Original Contracts are filed in the Asset Control Office by Diana Alexander.)

- Renewals list for: Coast to Coast Prescription Program; Dustin Copier – Asset Control, Tax Office, Bridgeport and Elections; SOE Software. (See attached list only)
- Masimo \$1,739.00 protection plans for Emergency Medical Services (EMS) equipment. (See attachment)
- CovertTrack: trying to get all contracts running together; prorated at \$225.21 to get to end of FY and get all on the same invoice.
- Fully Executed list for: Ritchie Bros Auction in May; Tyler Court Payment Card Processing Agreement; First Financial Depository (See attachments)

Motion made by Burns seconded by White and unanimously adopted by the Court to approve all items listed under the consent agenda item, as presented.

15) Project Agreement for Road Repair:

Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to approve the Project Agreement for Road Repair #3016 for the City of Aurora for the following: W. Aurora Vista Trail; Aurora Vista Trail; Morning Star; Apollo Trail; Aurora Lights; Derting; Derting East; Madison; Norton; Cemetery; Runway Lane; Airfield; Oates Creek and Van Meter roads located in Precinct No. 3. (See attachment)

County Engineer Chad Davis reported that he is trying to obtain the Texas Department of Transportation (TxDOT) materials allotments of those counties that do not want their allotment. Davis stated the county has received the majority of Tarrant County's allotment with more free materials available as counties do not want the allotments.

16) Right-of-Way Improvements:

Motion made by White seconded by Kennedy and unanimously adopted by the Court approve Burns to enter onto private property of Don Barnes on CR 1653 (Precinct No. 2) to improve drainage. (No attachment)

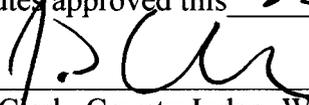
17) Burn Ban: None

18) Committee Reports: None

19) Clark announced the Memorial Day county holiday as Monday, May 25, 2015 and the next regularly scheduled meetings as Tuesday, May 26, 2015 and Monday, June 15, 2015.

20) Court adjourned at 10:09 AM there being no further business to be had.

Minutes approved this 26 day of may, 2015, as printed.

  
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J.D. Clark, County Judge, Wise County

**ABSENT**

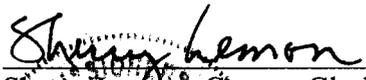
Danny White, Commr. Pct. No. 1

  
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Kevin Burns, Commr. Pct. No. 2

  
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Harry Lamance, Commr. Pct. No. 3

  
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Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

  
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Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,  
Wise County, Texas.



The Wise County Commissioners' Court adopted the ***Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court*** on February 28, 1994 and the rules have not been revised.

Addendum:

The following abbreviations are used in reference to current Wise County projects.

- WCCAB – Wise County Courthouse Annex at Bridgeport
- SWA – Southwest Architects Inc.
- TxDOT/DPS - Texas Department of Transportation/Department of Public Safety
- TAC – Texas Association of Counties
- TFP – Wise County Thoroughfare Plan
- WHJ – Wiginton, Hooker and Jeffry, P.C. (in relation to Wise County facilities Master Study Plan)
- WCWC – Weatherford College Wise County campus