

JULY 13, 2015

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 13th day of July, A.D., 2014 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 (3rd) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	(Absent)	County Judge
Danny White		Commissioner, Precinct No. 1
Kevin Burns	(Sr. Commissioner)	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.

Senior Commissioner Burns votes aye on all agenda items unless otherwise indicated.

- 1) Burns called the meeting to order at 9:00 AM. All court members were present except County Judge Clark who was attending a meeting in Charlotte, NC.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum:

Precinct No. 2 resident Steven Crossland appeared before the court to request assistance/guidance on recent weather-related damage to Private Road 1605. Crossland showed commissioners photos of the low-water crossing on Private Road 1605 and advised the court that he requested FEMA grant money assistance to correct the problem and was denied assistance because they were concerned with his housing and automobiles. Crossland stated that FEMA advised him to apply for a low interest loan via the Small Business Administration. Crossland stated he did apply and when the inspector showed up Crossland told him "the house has nothing to do with it; you drove through the problem." Crossland told the court he was informed that funds would be available to fix the type of problem when federal funding was approved for Wise County. Crossland requested funds and help to get something done.

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Burns stated Crossland's only avenue is through the Farm Service Agency for government assistance. Burns stated the county cannot work on private property.

5) Correspondence: None

6) Motion made by White seconded by Kennedy with Lamance voting aye to approve the minutes of the meeting dated June 15, 2015, as presented. (No attachment)

7) Kennedy stated this item was previously approved with no plat provided on June 29, 2015.

Motion made by Kennedy seconded by Lamance with White voting aye to approve the re-plat of Indian Springs Ranch, Phase II, Lots 9R and 10R, located in Precinct No. 4, as presented with a letter of general conformance from Kimley-Horn and Associates, Inc. and granting a variance for drainage plan. (See attachment)

8) Motion made by White seconded by Kennedy with Lamance voting aye to approve a re-plat of Reatta Estates, Phase I, Lot 24R1 and Phase II, Lots 25R, located in Precinct No. 1, as presented with a letter of general conformance from Kimley-Horn and Associates, Inc. and granting a road frontage variance from 150' to 129'. (See attachment)

9) Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to approve the re-plat of Wrangler Estates, Lots 1R1, 1R2 and 1R3, Block 1, located in Precinct No. 2 with a letter of general conformance from Kimley-Horn and Associates, Inc., as presented. (See attachment)

10) Motion made by Kennedy seconded by White and unanimously adopted by the Court to approve the receipt of the Beeson Ranch Phase I and II, Lots 1-45 Preliminary Plat Review located in Precinct No. 4 with a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

Kennedy stated the purpose of the preliminary plat was to re-start existing subdivision work that began several years ago.

11) Burns stated the RV parking area is going to be outside of where the over-flow parking is for the Wise County Old Settlers Reunion (Reunion). Burns asked Public Works Director Tom Goode to describe the location.

Goode stated it is marked with signs along the pipe fence from the swine barn up past the poultry barn to the gate in front of the Women's Building.

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White asked about liability on allowing people to park RVs at the Wise County Fairgrounds? Commissioners Court Attorney Thomas Aaberg stated there are no city permits required and the county has an agreement including a deposit and charging \$100.00 for two nights. Aaberg stated there are no hook-ups for the RVs and no dumping; they're simply parking there. Aaberg stated the rental includes one parking pass.

White asked about alcohol consumption? Aaberg stated that is part of the Wise County Fairgrounds regulations and city ordinance.

Lamance requested to table action until all commissioners are up-to-date on the issue. Burns and White told Lamance there will not be another meeting before the Wise County Old Settlers Reunion. Lamance expressed concern about making a quick/uninformed decision. Lamance stated he didn't know about it until last night. Lamance stated he feels there are a lot of open-ended questions.

Lamance asked if RV lots are rented on a first-come first-serve basis? Aaberg stated requestors will contact Public Works Director Tom Goode regarding rental spaces. Kennedy asked how this request came to be? Burns stated this has been requested for several years.

White confirmed the county is accepting a fee for this and discussed liability scenarios.

Kennedy asked who owns the Reunion property across the creek? White confirmed the county owns the property and leases it to the Old Settlers Reunion Committee (99 year lease).

The court discussed overflow parking and contacting Goode regarding rental of RV space.

White and Goode discussed marking the RV lots and location of lots. White confirmed agreement is just for Reunion 2015. Lamance commented about proper RV lots (pads, hook ups, etc). Burns stated they don't want hook ups; they just want a place to park.

Goode stated Decatur Lions Club representative (and mayor of the City of Decatur) Martin Woodruff was present to speak about Lions Club parking. Goode asked Woodruff about procedure for obtaining parking passes for those who rent RV lots?

Woodruff stated the Lion's Club uses the Fairgrounds parking for overflow on Friday and Saturday nights only. Woodruff stated the issue of RV parking is an issue to Lions Club as people show up in RVs and want to park in Reunion parking (off of Old Reunion Road) and is difficult because the area isn't designed for RV parking. Woodruff stated the RV lot rental is a good idea and he understands it is just for a place to park.

Woodruff and Goode discussed a scenario of RV rental parking and use of Fairgrounds buildings (i.e. Women's building). Burns commented the facilities are still available; the only way to control is to rent.

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Burns stated no one has been denied access. Woodruff stated the proposed RV parking area is safer for the RV owner because of space, etc. White confirmed the rental time terms (Friday 4p to Sunday 10a).

Lamance asked Goode where the number "12" came from (twelve lots)? Goode stated it is based on the length of the fence area. Aaberg stated Judge Clark intends this as a pilot program that can be readdressed next year if needed.

Motion made by Kennedy seconded by White with Burns voting aye and Lamance abstaining to approve the pilot program of providing twelve (12) RV spots at the Wise County Fairgrounds for Friday and Saturday night of the 2015 Old Settlers Reunion and re-address it next year as/if necessary. (See attached RV Rental Agreement form)

Burns stated the majority of the Reunion Committee didn't want this and wanted to keep it traditional and camp-oriented. Burns stated "if you want to get real traditional it was tents to start with". Burns stated the facility is still for lease.

12) Aaberg stated in October 2013 the county was notified there was a vacancy declared on CR 4630 (Old Mule Ranch Road); in January 2014 the court voted to have Aaberg notify the Texas General Land Office (TGL) that there is a county maintained road there; is a county road and has been a county road for a long time. Aaberg stated the TGL determined there is a vacancy and parties are allowed to apply for purchase of an interest in the surface or mineral estate. Aaberg understands from TGL general counsel Ken Mills this is a precautionary measure to protect the county's interest in the road with submission due by July 24, 2015. Aaberg stated he is working with Mills to make certain all is exactly as Mills has explained. Aaberg stated he isn't completely prepared to give his "ok" on this but needs the court's permission to have Clark sign the application.

Aaberg stated that the road curves in a few places and the vacancies are located along the curves of the road. Lamance asked about road damage by the oil and gas industry? Aaberg stated it protects county interest to the surface and the county easement. Aaberg stated Devon, Oncor, the county and a family along the road have interest in the road way. Aaberg stated this goes back to the School Land Board (Governor, Attorney General and General Land Office Commissioner) who determine the values on the road.

Aaberg confirmed that he is requesting court approval to have Judge Clark sign the application. Aaberg stated once it is all done he will bring the orders and other paperwork back to the court as an agenda item and let the court know how it came out. Aaberg stated there is not another court meeting before the July 24, 2015 due date.

Motion made by Lamance seconded by Kennedy with White voting aye to authorize Judge Clark to sign and file an application with the Texas General Land Office to purchase an interest in the surface or mineral estate on land/property declared vacant on June 4, 2015 (File SF# 16608, 16609, and/or 16611) affecting three spots along County Road 4630 (Old Mule Ranch Road) located in Precinct No. 1. **(No attachment. Clerk's Note: Confirmed with Commissioners**

Court Attorney Thomas Aaberg that the CORRECT County Road number is 4360 and NOT 4630 as stated on the agenda).

13) Donations:

Motion made by White seconded by Lamance with Kennedy voting aye to accept the following donations with the court's thanks:

- \$800.00 from Hopewell Cemetery for Fund 77. (No attachment)
- \$7,000.00 from Dr. Cesar DePaco and Summit Nutritionals International, Inc. for a canine for the Wise County Sheriff's Department (K-9 unit). (See attachment)
- \$3,985.00 from Crimestoppers for a digital camera and all extras for the Sheriff's Department.

Asset Control Officer Diana Alexander presented the following donation:

- a former constable brought some items to include a partition and extra seats out of a vehicle, dumped them at the constable's office and said they were county property and he ran across them on his property. Alexander had no way of proving they're county property or not and requested at the advice of Aaberg that they be accepted as donation so they can be disposed of properly. (No attachment)

14) Bids:

Asset Control Officer Diana Alexander advised that no bids were received on Bid No. 15-600-038 (Scrap Metal Sale Aluminum Only for Precinct and Public Works) and presented the following option regarding scrap metal sales: include the scrap metal aluminum sale in the FY2016 bids. Alexander also stated that most vendors do not want to bid scrap metal for a whole year due to market cost fluctuations. Alexander asked if the court would consider bidding on a 90-day basis (set at bid amount) with the possibility that the cost could change after 90 days?

Motion made by Kennedy seconded by Lamance with White voting aye to authorize Asset Control Officer Diana Alexander to advertise for bids for scrap metal sale aluminum only for precincts and public works for the remainder of FY2015; to include scrap metal aluminum sales in the FY2016 scrap metal sale bid on a 90-day set-cost basis. (See attachment)

Motion made by Kennedy seconded by Lamance with White voting aye to approve the extension of the Sheriff's Department uniform bid through FY2016. (No attachment)

Alexander stated the current bid has optional extensions.

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Motion made by White seconded by Kennedy with Lamance voting aye to authorize Asset Control Officer Diana Alexander to advertise for bids for the sale of surplus hay at the Animal Shelter. (No attachment)

Goode asked the court about the status of tire removal at the dump? Aaberg told Goode that the company hasn't called him back and he can't get ahold of them. Goode stated he has called them and they've told him they're waiting on a contract. Aaberg said, "They told me they were talking to their attorney."

Lamance asked Goode where the tires are coming from? Goode stated they come from the dump. Aaberg suggested the court look for someone else to remove the tires. Alexander stated this is an on-going issue. Goode told the court the company owns the trailer the tires are in and pays so much per trailer load. Burns suggested trying to sell them for now.

Aaberg stated the county and company have been operating without a contract for some time and the company has changed names and now wants a contract but the name hasn't changed. Aaberg stated that he has tried to contact them many times regarding contract changes.

Kennedy asked about advertising for bids for disposal of tires? Alexander stated a bid would not be required because it is below bid requirements. Aaberg stated if Alexander can find another company to take the tires. Alexander stated she will work with Goode to find other options.

15) Consent Agenda Item:

a) Department Head Reports:

- County Clerk monthly activity report for June 2015 (See attachment)
- Asset Control report April 1, 2015 to June 30, 2015 (See attachment)
- Ag Extension monthly activity reports for June 2015 (See attachments)
- Aaberg spoke about the buildings at the fairgrounds. Aaberg stated that Projects Manager Glenn Hughes went out for cost estimate and the amount was more than anticipated so Hughes will do all of the work "in-house" as it will be less than \$50,000.00. Hughes will do all that the architect recommended under \$50,000.00 and it won't have to be bid. Goode commented that he did a walk-through with the contractor.

Aaberg commented about ending the lease at the building on FM51 (Wise County Development Services).

b) Budget Amendments:

- FY15-20 (See attachment)

c) FY14 and FY15 – 3 Year Capital Expenditure Plan: None

- d) Claims/Payroll:
 - Disaster Walk to Court July 13, 2015 (See attachment)
 - Walk to Court July 13, 2015 (See attachment)
 - Lowes for \$5,327.73 (No attachment)
 - Claims Register dated July 9, 2015 (See attachment)
 - Payroll Register dated July 9, 2015 (See attachment)
- e) Utility Requests: None
- f) Interlocal Agreements: None
- g) Contracts:
(Original contracts are filed in the Asset Control Office by Diana Alexander.)

Fully Executed:

- DSHS CRI Amendment (See attachment)
- Collin County Training Agreement (See attachment)

Renewals (See attached list only)

- TAC-Insurance for auto physical damage, all liability, workers compensation and unemployment.
- OTIS Elevator
- Dustin Copier – Sheriff's Office Admin
- Quetel

- Texas State Soil and Water Conservation Board Cooperative Agreement (See attachment)

Burns stated that Aaberg has reviewed the contract. Burns stated Denton Creek #17 has a wave bite issue (sloughing off) and the county received cost-match Federal and Texas State Soil and Water Conservation funds to rehab the dam. Burns stated the county will be out 5% being the hold-back (up to \$10,000.00). Burns stated the total job is up to \$220,000.00. Burns stated the job has to be contracted out via bid.

Burns discussed dam repair all over the state.

- Interlocal Cooperation Contract DPS Reprographics & Distribution Services (See attachment)
- CovertTrack Group Inc. (See attachment)
- NetData (See attachment)
- Kimley-Horn and Associates, Inc. 2015-2016 Standard Master Contract Renewal (See attachment)
- Indigent Health Care Program Services FY2016 – no changes (See attachment)

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Motion made by White seconded by Lamance with Kennedy voting aye to approve all items listed under the consent agenda item with changes as presented.

16) Project Agreements for Road Repair: None

17) Right-of-Way Improvements: None

18) Burn Ban: Fire Marshal/Emergency Management Coordinator Chuck Beard stated that it was a smooth July 4th holiday weekend. Aaberg asked when the current burn ban expires? Beard told Aaberg "next month."

19) Committee Reports: None

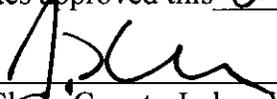
20) Burns announced the next meetings as Monday, July 27, 2015 and Monday, August 10, 2015.

Burns stated the next meetings will be held at the Elections Administration Building during courthouse elevator repair.

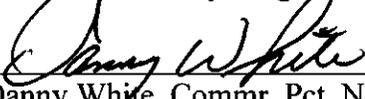
21) Burns adjourned the meeting at 9:40 AM, there being no further business to be had.

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Minutes approved this 27 day of July, 2015, as printed.



J.D. Clark, County Judge, Wise County



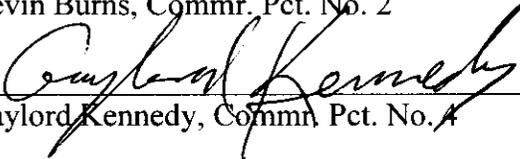
Danny White, Commr. Pct. No. 1

Absent

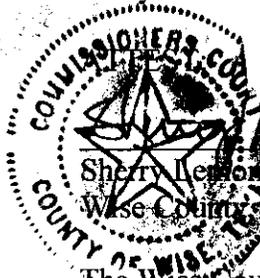
Kevin Burns, Commr. Pct. No. 2

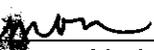
Absent

Harry Lamance, Commr. Pct. No. 3



Gaylord Kennedy, Commr. Pct. No. 4





Sherry Jefferson, 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