

[Link to Audio](#)  
[Link to Agenda](#)

**COMMISSIONERS' COURT OF TITUS COUNTY, TEXAS  
SPECIAL MEETING  
February 22, 2010**

**PUBLIC OFFICIALS AND PUBLIC ATTENDING:**

Sam W. Russell, County Judge  
Mike Fields, Commissioner Precinct 2  
Thomas Hockaday, Commissioner Precinct 4  
Carl Johnson, County Auditor  
Paula Dyke, JP #2  
Tim Ingram, County Sheriff  
Mike Ahrens  
Brian Whitfield  
Norma Narramore  
Brian Lee  
Lanny Walker  
Troy Sellers  
Neal Huffman  
Shawn Bryan

Don Boggs, Commissioner Pct 1  
Phillip Hinton, Commissioner Pct 3  
Teresa Price, County Clerk  
Stefanie Morlen, Chief Deputy Clerk  
Kay McNutt, JP #1, 3, 4  
Brad Fosdick, Captain Sheriff's Dept  
Paul Heidaker  
Lou Antonelli  
Leroy Morgan  
Steve Austin  
Kerry Wootten  
Jim Diggs  
Dawson Tyler  
David Janakes

Judge Sam Russell called the Special Meeting to order after 9:00 a.m. on February 22, 2010 stating that for the record, notices had been posted 72 hours prior to the meeting as requested by the Open Records Act.

Judge Russell led the Commissioners' Court in the Pledge of Allegiance. Commissioner Mike Fields followed with the invocation.

**1. Public Comments and/or Requests for Information on Non-agenda Items in accordance with Section 551.042, Texas Open Meetings Act**

Steve Austin came before the court requesting that they move forward with a determination regarding those issues affecting the County Veteran Service Office position and the logistics involved. Mr. Austin stated that Mrs. Opal Keesee served as Veteran Service Office for 27 years and will be missed but would be the first to say to quit making a fuss and move on to the business of helping veterans and their families. If the court determines it is going to fill the vacancy, then the sooner the better since there are training issues and benefits that are time sensitive. Mr. Austin urged the court to act with all due diligence and haste as the citizens of Titus County need a County Veteran Service Officer.

Judge Russell informed the court that they were looking into this matter. The Adult Probation Office has requested to use the office that is currently the Veteran's office. If this happens, the Veteran's office would probably be moved to the basement where the Environmental Investigator was located. Commissioner Hockaday stated that we were out of space in other areas of the courthouse as well, citing the Auditor's office as being one of the offices needing

more space. Commissioner Boggs stated that we needed to draw up a proposal of what we have and what we need. Commissioner Fields informed the court that an architect came and looked over the Annex when we purchased it and gave us suggestions as to what we needed to do. One of the things that was suggested was to use the offices across the street , giving them 3-4 months notice before asking them to move.

County Clerk, Teresa Price, presented a Certificate of Completion to Chief Deputy, Stefanie Morlen, for 8 hours of TCLEOSE training that was offered by the Titus County Sheriff's Department on January 14, 2010 to all county offices.

## **2. Presentation on Loop Project**

Ms. Jennie Taraborelli was unable to be in court due to not being able to get out of Harlingen because of heavy fog. In her absence, Paul Heidaker presented an update on the Loop Project beginning with the Environmental on US 271. The US Army Corps of Engineers as issued the Section 404 permit. PTP will make final payment to Martin Creek Mitigation Bank where credits have been reserved for the required wetlands mitigation for US 271.

Archeological mitigation and data recovery continues on sites 41TT851, 41TT852 and 41TT853. Fieldwork conducted by Prewitt & Associates began January 4, 2010. (See attachment for complete list of work performed,)

A public hearing was held on January 28, 2010 on the FM 2548 project. The public was given the opportunity to view the Environmental Assessment document, the schematic design layout showing the proposed alignment and talk to members of the ROW acquisition team to discuss issues regarding acquisition and learn their rights under federal and state laws. Approximately 50 people attended and no one submitted verbal comment.

PBS&J is finalizing the Public Hearing Summary and PTP has completed the request for the issuance of a Finding of No Significant Impact (FONSI). The document will be forwarded to TxDOT-ENV for approval and submission to Federal Highways Administration (FHWA) the week of February 22, 2010.

PTP received comments from FHWA on January 29 on the Environmental Assessment on FM 1000. PBS&J is revising the Environmental Assessment document to address comments. PTP has asked PBS&J to have all responses completed by February 22 except for those regarding the need and purpose and the logical termini of the project. A conference call is scheduled for February 23 to discuss comments on those subjects with TxDOT-Atlanta District.

Right-of-Way acquisition is ongoing for the US 271 project. To date, agreements have been reached with eleven property owners and several of these parcels have been closed. Positive negotiations are underway on an additional fifteen parcels. PTP has directed its legal team to proceed with condemnation hearing on several parcels as negotiations with property owners have reached a stalemate. Commissioner Boggs asked how many parcels had been condemned and was told five. PTP will meet with TxDOT-Atlanta District on February 22<sup>nd</sup> to discuss several

access management issues which need to be resolved to allow acquisition to move forward on several parcels.

PTP has been meeting with the design engineer to expedite the completion of the final PS&E package for the US 721 project. TxDOT returned comments on the Bridge Layout submission on February, 19, 2010. These have been forwarded to the engineer to address. It is anticipated that the final design will be forwarded to TxDOT for review and approval by mid-April.

Comments have been received from TxDOT on the Bridge Layout, Traffic Control Plan and Drainage Details and Hydraulic Analysis at Evans Creek and Hart Creek for FM 2348. These comments have been forwarded to SPI and a response is due by the end of the month. With this requirement nearing completion and the Public Hearing complete, SPI will be able to finalize the PS&E package and submit the final package to TxDOT for approval.

TxDOT is reviewing a plan submittal for the FM 1000 project and has requested some additional information from SPI to complete the review. The PS&E for this project cannot be completed until after the Public Hearing is conducted. Commissioner Boggs asked when the Public Hearing for FM 1000 was scheduled and was told that they did not have a time frame as they were waiting on documents.

The US 271 Clearing and Grubbing plans are complete. Dependent on the progress of the ROW acquisition, PTP anticipates issuing a ROW clearing contract in March.

The critical paths are US 271 ROW acquisition, release by FHWA for FM 1000 Public Hearing and approval of US 271 clearing plans.

### **3. Review minutes from Commissioners Court for January 11, 2010 Regular Meeting**

Teresa Price, County Clerk, informed the court that she could correct the error for the minutes showing that Leonard Price and Bobby Palmer were in attendance as she contacted them and they did convey that they were not in the meeting and the misspelling in item 6. Since the tape did not work, she does not have anything to back up the corrections requested by the Judge's office and will need an amendment to correct items 7 & 14. She said that normally the motion reads the same as the agenda item. On item 7, there were two proposals from Allison & Bass regarding redistricting. The court voted to elect the flat rate option with \$1500 payment for the initial assessment fee to be paid prior to the due date of 02-20-10. On item 14, the motion carried to pay our bills.

Motion was made by Commissioner Don Boggs and seconded by Commissioner Mike Fields to approve the minutes with the above mentioned amendments for corrections. Motion carried unanimously.

**4. Consider and Possibly Approve the Temporary Closure, Abandonment and Vacation of a Segment of Titus County Road 2550 and County Road 2500**

Kerry Wootten was present on behalf of his client, Luminant Mining Company, LLC, requesting the temporary closure, abandonment and vacation of a segment of Titus County Road 2550 and County Road 2500. Commissioner Mike Fields looked at this about three (3) months ago and has no problem with the request from Luminant. Commissioner Fields stated that he expected that mining in that area would continue for another 18-24 months.

Motion was made by Commissioner Mike Fields and seconded by Commissioner Thomas Hockaday to approve the temporary closure, abandonment and vacation of a segment of Titus County road 2550 and County Road 2500. Motion passed unanimously.

**5. Consider and Possibly Approve bid process for a Dump Truck and a 1-1/2 ton flatbed truck for Precinct 3**

Commissioner Phillip Hinton informed the court that he needed the above equipment for his precinct and would like to go out on bid.

Motion was made by Commissioner Phillip Hinton and seconded by Commissioner Mike Fields authorizing the bid process for a dump truck and a 1-1/2 ton flatbed truck for precinct 3. Motion carried unanimously.

**6. Consider and Possibly Approve Financial Statements and Independent Auditor's Report for the Year ended September 30, 2009**

Lanny Walker from Arnold, Walker, Arnold & Co., P.C. presented the financial statements and independent auditor's report for the year ended September 30, 2009 stating that they did not make any significant findings. Mr. Walker went over the financial highlights showing the County's total combined net assets were \$30.6 million at September 30, 2009. During the year, the County's expenses were \$1.9 million less than the \$16.5 million generated in taxes, charges for services and other revenues from governmental activities.

The total cost of all the County's activities was up by 16% or \$2 million, compared to the prior year. Revenues were about the same as the prior year. Most of the increase in expenses was in the areas of public safety and roads. The increase in roads was related to the costs related to the Loop activities.

During the year, \$5 million of fixed assets was added. Most of the increase was related to the Loop construction project that is beginning. \$1.45 million of principal was paid on debt.

\$39 million of debt proceeds were received through the issuance of the Unlimited Tax and Pass-Through Toll Revenue Bonds, Series 2009. These funds are being used for the Loop project. \$10 million has been spent to date on this project and is reflected as construction in progress. There is \$59 million in fund balance restricted for this construction at September 30, 2009.

There is \$4.53 million in other capital project fund balances and \$1.49 million in debt service fund balances. Special revenue funds reflect fund balances of \$2.92 million.

Approximately 97% of the taxes levied for 2008-09 were collected by September 30, 2009.

Mr. Walker then directed the court's attention to page 6 showing a table of the County's net assets in thousands of dollars. The net assets invested in capital assets net of related debt reflects the book value of the County's capital assets in excess of the debt which financed those assets. Only a portion of the \$60 million in debt proceeds from the 2007 Series Bonds and 2009 Series Bonds has been spent as of September 30, 2009. The \$5.6 million of unrestricted net assets represents resources available to fund the programs of the County for the next fiscal year.

The \$8.9 million is restricted as follows:

Restricted for debt service	1,489
Restricted for capital projects	4,526
Restricted for special revenue funds	<u>2,922</u>
	8,937

Net assets of the County increased from \$28.7 million to \$30.6 million. The County's revenues exceeded expenditures by \$35 million. The County paid principal on debt of \$1.45 million. New debt of \$39 million was obtained. \$4.53 million of capital assets were acquired. \$747 thousand of depreciation was recorded. Mr. Walker then went over the financial statements and balance sheets.

Judge Russell reiterated that overall the County was in good shape and attributed part of this to keeping good interest rates on the loop project by the County being rated an A+.

Motion was made to approve the Financial Statements and Independent Auditor's Report for the year ended September 30, 2009 by Commissioner Thomas Hockaday and seconded by Commissioner Phillip Hinton. Motion carried unanimously.

#### **7. Discuss Update to Security System**

Newman Electronics has submitted information. We are still waiting on information from Advance Alarm.

#### **8. Consider and Possibly Approve Proclamation observing March 14, 2010 as Poison Prevention Week in Titus County**

Motion was made by Commissioner Mike Fields and seconded by Commissioner Phillip Hinton to approve Proclamation observing March 14, 2010 as Poison Prevention Week in Titus County. Motion carried unanimously.

**9. Consider and Possibly Approve Proclamation observing February 21-27, 2010 as Severe Weather Awareness Week**

Motion was made by Commissioner Don Boggs and seconded by Commissioner Phillip Hinton approving proclamation observing February 21-27, 2010 as Severe Weather Awareness Week. Motion carried unanimously.

**10. Presentation and Discussion of Proposal from Tyler Technologies regarding Computer System hardware, software and relation applications for Titus County**

**11. Consider and Possibly take action on remediation of computer and data processing needs for the County relating to the AS400 server**

**12. Consider and Possibly Take action on request by County Clerk for a computer server for the Clerk's office to be paid from Records Management Funds**

**13. Discuss recent Attorney General's opinion and possibly take action on request by Titus Regional Medical Center for reimbursement of filing fees paid for mental health cases for the past several years**

**14. Consider and Possibly Approve Travel and Seminars for Titus County Employees and Elected Officials**

Travel was requested for the following: Linda Ferrell from the AgriExtension Office to attend the Professional Development Retreat to be held in February, 2010; Lashonda Aston; Candyce Reeder; LeRodrick Birmingham; Shannon Malloy; Oscar Hagood; Hezzine Shepard; Joyce Mosley; Miguel Castillo; Haden Stinson; John Livingston and Teresa Patterson from the Sheriff's office to attend the Office Safety in the Jail and on the Street seminar on February 2, 2010; Clarence Hunt; Donna Beasley; Brenda Seay; Thad Magee; LaQuanda Johnson; Margaret Hughes; Franco Gutierrez; Charles Duke; Lewis Swindler; Michael Garcia; Gary Banks and Brad Fosdick from the Sheriff's Office to attend Officer Safety in the Jail and on the Street in Tyler on February 3, 2010.

Motion was made by Commissioner Phillip Hinton and seconded by Commissioner Mike Fields to approve all travel requests. Motion carried unanimously.

**15. Consider and Possibly Approve Oral and Written Reports of County Officials**

Reports were turned in from the Nortex VFD and the City of Talco VFD. A cash report was given to the Commissioners Court by Carl Johnson. This cash report includes all transfers and bills paid to date. There were no oral reports.

Judge Russell inquired about the check for Right of Way acquisition and was told by Commissioner Hockaday that a live check for \$2,000,000 was to be issued which would involve

four parcels of land. This check is not reflected on the cash audit. Carl Johnson, County Auditor, stated this would come out of the Loop Construction money.

Motion was made by Commissioner Don Boggs and seconded by Commissioner Phillip Hinton to approve written reports of County Officials. Motion carried unanimously.

**16. Approve Budget Amendments**

No budget amendments were presented to the court.

**17. Sign Pay Orders and Approve Payments**

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Phillip Hinton to approve signing pay orders and approving payments. Motion carried unanimously.

**18. Closing Comments by County Judge and Commissioners, if any**

**Adjourn**

Motion was made by Commissioner Don Boggs and seconded by Commissioner Mike Fields to adjourn. Motion carried unanimously.