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COMMISSIONERS' COURT  
REGULAR MEETING  
October 24, 2011

Notice is hereby given that the Titus County Commissioners' Court met in a regular meeting on Tuesday, October 24, 2011 at 9:00 a.m. in the Titus County Courtroom, with the following members present:

Brian P. Lee	County Judge
Don Boggs	Commissioner Precinct 1
Mike Fields	Commissioner Precinct 2
Phillip Hinton	Commissioner Precinct 3
Thomas Hockaday	Commissioner Precinct 4
Dianne Norris	County Clerk
Carl Johnson	County Auditor
Sheryl Preddy	County Treasurer
Judy Cook	County Tax Assessor
Debra Abston	District Clerk
Tim Ingram	County Sheriff

Public Attending Meeting:

Carolyn Norman	Ludy Gibson	Mat Gibson
Norma Narramore	Jake Narramore	Barbara Bruechner
Chris Shelton	Mike Ahrens	Christie Davis
Steve Austin	Paul Lindsey	

Pledge of Allegiance led by:	Judge Lee
Invocation by:	Commissioner Boggs

- 1) Pursuant to section 551.042, Texas Open Meeting Act, the Court is open to hear public comments and/or requests for information on non-agenda items. (Listen to audio track 1, 00:00:38).

- a. None

- 2) Consider and possibly approve Minutes from October 11, 2011 regular meeting of the Commissioner's Court. (Listen to audio track 1, 00:00:54)

Motion made by Commissioner Boggs and seconded by Commissioner Hinton to approve the acceptance of the minutes from October 11, 2011 regular meeting.

- 3) Status report on Titus County Pass-Through Projects. (Listen to audio track 1, 00:01:27 and/or see Attachment #1)

- a. Jennie Taraborelli: As all of you know, we have spent the bulk of this last month dealing with the advertising and letting of the 271 Construction Project. This has been a long time coming. In the meantime, there have been a few other items that have gone on. The right-of-way acquisition for the FM 1000 project is still ongoing and moving forward very well, probably a little quicker than the progress on the other two projects.

The current schedule shows that we would have all right-of-way in hand on FM-1000 in order to let the 1000 roadway contract sometime late March or early April. The design of that project is complete, we are just waiting for any final modifications due to input from various property owners out there, and final review from TxDOT.

The FM-2348 bid package is being put together this week and will be forwarded to TxDOT for final approval and released for advertising. It is expected to be returned sometime in the next three to four weeks. It should be delivered tomorrow to TxDOT. We should put an item on at the next Commissioner's Court to get the authority to advertise that project as soon as that package comes back from TxDOT.

- b. Commissioner Boggs: Am I to assume that the 2348 portion of the design plans has been approved by the District, State, and Federal?

- c. Jennie Taraborelli: That is why we are submitting one final time. This is the final submittal and release for advertising. This is the final chance, they have all seen it, and we have made the corrections that they have sent back. However, this will be their final chance to look through, not only, the plan set, but also the big package that will be submitted out, we do not have formal proof that is what the final approval is all about. As soon as we have that back, no later than late November, then we will have a pass on that project.

I think just about everybody was here the other day when we accepted bids on US 271. The County accepted bids for the 271 Construction project on October 20, 2011. We received 13 bids; the lowest and most responsive bidder was Williams Brothers Construction Company out of Houston with a total bid of \$72,825,618.51. Under the Pass-Through rules, Titus County can go ahead and award this contract and concurrence can come later. I would recommend that you accept the bid and award Williams Brothers, that will start the clock ticking and give the Company 30 days to put up all required bonding with Titus County. Once that comes in we will schedule a pre-construction meeting with Williams Brothers to talk about their view of the project, how they intend to progress on schedule, select a date that is mutually beneficial to all parties, the time charges to start, and issue a notice to proceed.

Hopefully, we will be back here doing this on FM 2348 next month. The bids on 2348 will be a little different because it is a little different type of project. I think we had virtually, with the exception of two companies, every big company in the State bidding on the 271 project. There was a very healthy group of bidders, the good thing about that is that they are all financially stable. Williams Brothers is a particular stable company; they do projects in the hundreds of millions for the State for the various transportation providers throughout the state. I feel very comfortable with their ability to finish the job.

- d. Commissioner Boggs: Would it be your guess that they would also be hiring local workers, sub-contractors...
- e. Jennie Taraborelli: I think you will see a combination of the two. They will bring some crews with them; they are a very strong structures company that is their expertise. They partnered with someone that is a strong dirt operation. But, I think you will see some hiring at the local level. We do not yet have a list of all

of the sub-contractors that they have already pulled into their team. We will get that when we have the pre-construction meeting. There is a DBE commitment on this project for disadvantaged business enterprise, because Titus County adopted the State's program. We will be looking at who their DBE's are and making sure that they meet their DBE commitment.

- f. Commissioner Fields: I know there will be a lot of local people that can fill those jobs...
  - g. Jennie Taraborelli: As I said, there is usually a healthy balance of the two.
  - h. Commissioner Boggs: I noticed that on the 271 project there were no local companies; of course, it was a very big job for a very big company. On 2348 and 1000, would you suspect that there would be local people bidding as well?
  - i. Jennie Taraborelli: There will be a totally different group of bidders, in my opinion, that will go after the 2348 and 1000 than a Contractor like Williams Brothers. There was a lot of local presence under a sub-contract vs. a prime contract. The bonding capacity makes a big difference and most of the local contractors do not have the bonding capacity to bond a \$72,000,000.00 project. I think the other two projects, which are obviously much less; you will see local companies go after those projects.
- 4) Consider and approve the award of contract for the US 271 Project (TxDOT CSJ No. 0248-09-001, etc.) with limits from 0.3 miles North of US 67 to 0.6 miles South of FM 3417 including the construction of a new Location Freeway Facility, consisting of grading, structures, base, surfacing and pavement markings. (Listen to audio track 1, 00:013:08).

Motion made by Commissioner Fields that we approve and accept the contract by Williams Brothers Construction and seconded by Commissioner Hockaday. Motion carried unanimously.

- 5) Consider and accept a Petition to Close, Abandon, and Vacate public roadway (CR 2042) made necessary by the construction of US 271. (Listen to audio track 1, 00:13:40 and/or see Attachment #2)

Motion made by Commissioner Fields to and seconded by Commissioner Hockaday. Motion carried unanimously

- 6) Consider and approve an Order Closing, Abandoning and Vacating a portion of CR 2042 to facilitate a realignment made necessary by the construction of US 271. (Listen to audio track 1, 00:14:46 and/or see Attachment #3)

Motion made by Commissioner Fields and seconded by Commissioner Hockaday. Motion carried unanimously

- 7) Consider and accept a donation of land necessary for the relocation of a portion of CR 2042 made necessary by the construction of US 271. (Listen to audio track 1, 00:15:19 and/or see attachment #4).

Motion made by Commissioner Fields and seconded by Commissioner Hockaday.

Motion carried unanimously.

- 8) Consider and approve an agreement with PTP Transportation, LLC to provide construction management services for the Titus County Pass-Through Program. (Listen to audio track 1, 00:16:03)

- a. Commissioner Boggs: I would like to take the opportunity to give a background to this process. The Construction Management Services, for the Pass-Through Program was in the previous contract. Since this project is, not so much a County project or a City project, this is a State and Federal project for our City. The County participated mainly as the financier for this project. It came to us from Austin that the contract that was in the original Construction Management Contract was to be not bid, but to be put out for the most qualified company. This is the standard process that TxDOT goes through. We got off to a stumbling start,

because it was right at the end of Judge Russell's term and we were rushing things a little bit to get it done and we skipped a step. So, what we did, we appointed a committee of myself, Mike Fields, Mike Ahrens, Darrell Grubbs, Jerry Boatner, and Kerry Wooten as our lead representative. We went through an arduous process of going out for Statements for Qualification from companies, and we went through those and we chose three. One was Lockner out of Longview; one of them was Pate Transportation Partners out of Houston, and Roba Kistner out of Dallas. We went through a very formal interview process to determine the most qualified firm. We went through votes as a committee and we came up Pate Transportation Partners as the most qualified company. We then, began a process negotiating the contract. We have no negotiated the contract with Pate Transportation Partners and I make the motion that we approve the agreement that has been formed between Titus County and Pate Transportation Partners for the management of the Loop Project.

Motion made by Commissioner Boggs and seconded by Commissioner Hockaday for the approval of the Construction Management element of our 271 project and the company selected is Pate Transportation Partners. Motion carried unanimously.

- 9) Consider and possibly approve plat for Sandlin Ranch, Joseph Reed Survey, A-461, Titus County, Texas County Road 2720. (Listen to audio track 1, 00:20:05).

Motion made by Commissioner Fields and seconded by Commissioner Hinton. Motion carried unanimously

- 10) Consider and possibly approve a Resolution Consenting to the sale of a delinquent tax property at 316 Magnolia. (Listen to audio track, 1, 00:22:07 and/or see Attachment #5)

Motion made by Commissioner Boggs and seconded by Judge Lee. Motion carried unanimously

- 11) Consider and possibly approve proposal for DVD Play System and Flat Screen TV for District Court to be paid for from the Indigent Defense Fund (Paul Lindsey). (Listen to audio track 1, 00:23:07)

Motion made by Commissioner Hockaday and seconded by Commissioner Hinton. Motion carried unanimously

- 12) Consider and possibly approve 2012 Titus County Holidays. (Listen to audio track 1, 00:32:43 and/or see Attachment #6)

Motion made by Commissioner Boggs and seconded by Judge Lee. Motion carried unanimously.

- 13) Consider and possibly approve travel seminars for Titus County Employees and Elected Officials. (Listen to audio track 1, 00:54:33 and/or see attachment #7)

- a. Sheriff Ingram requests that Sgt. Michael Kirkwood and Sgt. Craig Brown go to an Intoxilyzer course on November 28, 2011 in Frisco, TX, total of \$1210.00 plus costs.
- b. Debra Abston requests a check for \$155.00 registration fee to attend V.G. Young Institute School for County and District Clerks on January 10-12, 2012 in College Station, TX.

Motion made by Commissioner Hinton and seconded by Commissioner Fields. Motion carried unanimously



14) Approve oral and written reports of County Officials. (Listen to audio track 1, 00:37:04 and/or see attachment #8)

Motion made by Commissioner Boggs and seconded by Commissioner Hinton. Motion carried unanimously

15) Consider and possibly approve Treasurer's report. (Listen to audio track 1, 00:38:20 and/or see attachment #9)

Motion made by Commissioner Boggs and seconded by Commissioner Fields. Motion carried unanimously.

16) Approve Budget Amendments (Listen to audio track 1, 00:39:42).

a. None

17) Sign pay Orders and Approve Payments. (Listen to audio track 1, 00:39:49)

Motion made by Commissioner Hinton and seconded by Commissioner Hockaday.  
Motion carried unanimously.

18) Closing Comments by County Judge and Commissioners, if any. (Listen to audio track 1, 00:40:06)

- a. Commissioner Fields comments on the following topics:
  - i. Turning lanes at Hartsbluff Schools;
  - ii. Construction Management Committee to recommend a Construction Manager for the County;
  - iii. Luminant is closing CR 2500 to continuing mining for another 30 months in the South Mine area.
- b. Judge Lee comments on the following topics:
  - i. Friday there will be a closed session on Healthcare
  - ii. November 3, 2011 is Titus County Bail Bond Board's second meeting.

Adjournment. (Listen to audio track 1, 00:51:35)

Motion made by Commissioner Hockaday and seconded by Commissioner Hinton.

Motion carried unanimously.