

**COMMISSIONERS' COURT
SPECIAL MEETING
JANUARY 27, 2014**

AGENDA

AUDIO 1

AUDIO 2

(RECONVENED IN OPEN MEETING)

ATTESTATION TO MINUTES

**COMMISSIONERS' COURT
SPECIAL MEETING
JANUARY 27, 2014**

Notice is hereby given that the Titus County Commissioners' Court met in a Special meeting on Monday, January 27, 2014 at 6:00 p.m. in the Titus County Courtroom, with the following members present:

Brian P. Lee	County Judge
Al Riddle	Commissioner Precinct 1
Mike Fields	Commissioner Precinct 2
Phillip Hinton	Commissioner Precinct 3
Thomas Hockaday	Commissioner Precinct 4
Dianne Norris	County Clerk
Sheryl Preddy	County Treasurer
Carl Johnson	County Auditor
Tim Ingram	County Sheriff

Public Attending Meeting:

Billy Cannon	Charlie Merka	Louis Gohmert
Sue Evenwel	Mark Heidaker	Brenda Kemp
David Horton	E. J. Kemp	Emily Aikman
Rodney Glenn	Ted Aikman	Barbara Parker
L. Buffalo	Bruce Lousberg	Larry Snopel
Ronnie Aguillar	Chris Shelton	Tammy Shelton
Barbara Bruechner	Mike Ahrens	July Lee
Keith Kridler	Jimmy Parker	Troy Sellers
Tony Gesino	Nigel Christopher	Carolyn Norman
Joyce Simpson	Doug Hobbs	Darrell Grubbs

Invocation: Judge Brian Lee

Pledge of Allegiance: Judge Brian Lee

1. PUBLIC COMMENTS AND/OR REQUESTS FOR INFORMATION ON NON-AGENDA ITEMS IN ACCORDANCE WITH SECTION 551.042, TEXAS OPEN MEETINGS ACT (Listen to audio track 1 and/or see video)

There were no public comments and/or requests.

2. CONSIDER AND POSSIBLY APPROVE MINUTES FROM JANUARY 13, 2014 REGULAR MEETING OF THE COMMISSIONERS' COURT (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve minutes from January 13, 2014 regular meeting of the Commissioners' Court. Motion passed unanimously.

3. STATUS REPORT ON TITUS COUNTY PASS THROUGH PROJECTS (Listen to audio track 1 and/or see video)

Mark Heidaker with Pate Transportation did not bring a status report but was here to discuss the bridge issues and the opening of the north section of 271. He did report that the 271 lane change by FM 1000 on the south end of town by the funeral home was postponed from today until Thursday weather permitting.

4. CONSIDER AND POSSIBLY APPROVE WORK AUTHORIZATION FOR WILLIAMS BROTHERS IN ORDER TO BEGIN WORK ON THE UNION PACIFIC RAILROAD CROSSING AT THE SOUTH END OF THE 271 LOOP (Listen to audio track 1 and/or see video)

Judge Lee made a brief comment on the bridge issue. ([SEE ATTACHMENT #01](#))

Following his comments, Mark Heidaker stated that the bridge needed to be raised and completed in order for Titus County to start receiving their money from TxDOT. He brought with him a Work Authorization/Force Order Change 01 that will limit Williams Brothers their ability to charge more than \$1.845 million dollars to raise the bridge to the 23'6" clearance over UPRR. Pate's goal is to bring it in under this amount. This will be a Force Change Order where only actual time and equipment used will be charged. Pate Transportation will oversee and monitor this daily. Work will begin tomorrow, 01-28-2014, if approved today. ([SEE ATTACHMENT #02](#))

Motion was made by Commissioner Hockaday and seconded by Commissioner Riddle to approve Work Authorization for Williams Brothers in order to begin work on the Union Pacific Railroad Crossing at the South end of the 271 Loop. Motion passed unanimously.

5. CONSIDER AND POSSIBLY APPROVE HIRING AN INDEPENDENT ENGINEER TO REPRESENT TITUS COUNTY ON THE UPRR BRIDGE REPAIR (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Al Riddle to approve hiring an independent engineer to represent Titus County on the UPRR Bridge repair. For lack of a second, motion died.

Mark Heidaker from Pate Transportation explained that this was their job to oversee and it would be a duplication of services. Also, it would make it hard for Williams Brothers to know who to answer to. Judge Lee also felt that, after speaking to a couple of retired engineers, this would be an impediment to the project.

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to table this item. Motion passed unanimously.

6. DISCUSS AND POSSIBLY TAKE ACTION ON WHETHER TO OPEN THE NORTH END OF THE 271 LOOP BETWEEN HIGHWAY 49 AND INTERSTATE 30 (Listen to audio track 1 and/or see video)

Mark Heidaker informed the court that the Texas Department of Transportation (TxDOT) has not approved opening this section of the loop at this time. There are a couple of issues they have. One is a turnaround lane which is not in the original contract and the other is drainage issues. He explained that if the court does approve opening the north end of the 271 Loop between Highway 49 and Interstate 30, they will be responsible for maintenance and repairs in case of accidents. TxDOT will only accept responsibility for maintenance once they sign off on opening this section.

Motion was made by Commissioner Fields and seconded by Commissioner Hinton to table this item until the next Commissioners' Meeting to be held in two weeks. Motion passed three to two with Judge Lee and Commissioner Riddle voting nay.

7. CONSIDER AND POSSIBLY APPROVE A RETAINER AGREEMENT WITH ALLISON, BASS & MAGEE, LLP TO REPRESENT TITUS COUNTY PERTAINING TO THE LOOP PROJECT AND THE UNION PACIFIC RAILROAD OVERPASS, OR SUCH OTHER MATTERS AS MAY BE ASSIGNED BY THE COMMISSIONERS COURT (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Riddle and seconded by Commissioner Fields to table this item until the next Commissioners' Court meeting in two weeks. Motion passed unanimously.

8. DISCUSSION AND POTENTIAL ACTION REGARDING THE CREATION OF ONE OR MORE COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE (CETRZ) AS AUTHORIZED BY LAW, TO PROMOTE ONE OR MORE INFRASTRUCTURE PROJECTS TO BE LOCATED WITHIN THE COUNTY TO BE FUNDED BY THE CETRZ INCLUDING THE POTENTIAL BOUNDARIES AND REQUIREMENTS OF A COUNTY ENERGY TRANSPORTATION REINVESTMENT ZONE (CETRZ) AS AUTHORIZED §222.1071 OF THE TEXAS TRANSPORTATION CODE (Listen to audio track 1 and/or see video)

Judge Lee presented a summary of what had taken place during a workshop that was held on January 10, 2014. ([SEE ATTACHMENT #03](#))

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve Order regarding the creation of one or more County Energy Transportation Reinvestment Zone (CETRZ) as authorized by Law, to promote one or more infrastructure projects to be located within the County to be funded by the CETRZ including the potential boundaries and requirements of a County Energy Transportation Reinvestment Zone (CETRZ) as authorized §222.1071 of the Texas Transportation Code. Motion passed unanimously. ([SEE ATTACHMENT #04](#))

9. DISCUSSION AND POTENTIAL ACTION REGARDING THE SB 1747 PRIORITIZED PROJECT LIST FOR THE COUNTY TRANSPORTATION INFRASTRUCTURE FUND GRANT PROGRAM (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hinton and seconded by Judge Lee to table this item until Friday, January 31, 2014 at 9:00 a.m. Motion passed unanimously.

10. DISCUSSION AND CONSIDERATION OF ACCEPTING COUNTY ROAD REPORT(S) FOR FILING IN THE MINUTES OF THE COMMISSIONERS' COURT (Listen to audio track 1 and/or see video)

Motion was made by Judge Lee and seconded by Commissioner Hinton to table this item until Friday, January 31, 2014 at 9:00 a.m. Motion passed unanimously.

11. CONSIDER AND POSSIBLY APPROVE REPAIRS AND IMPROVEMENTS TO THE COUNTY OWNED PROPERTY AT 303 EAST 11TH STREET, CURRENTLY OCCUPIED BY HEALTH AND HUMAN SERVICES (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to approve repairs and improvements to the County owned property at 303 East 11th Street, currently occupied by Health and Human Services at their expense. Motion passed unanimously. ([SEE ATTACHMENT #05](#))

12. PRESENTATION OF ANNUAL SHERIFF'S OFFICE RACIAL PROFILING REPORT (Listen to audio track 1 and/or see video)

Sheriff Tim Ingram presented the annual Sheriff's Office Racial Profiling Report for Titus County. The public can view this report by going to www.tcleose.state.tx.us. ([SEE ATTACHMENT #06](#))

13. CONSIDER AND POSSIBLY APPROVE PAYMENT OF PAUPER'S FUNERAL FOR TONI MITCHELLE IN THE AMOUNT OF \$950.00 (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Fields and seconded by Commissioner Hockaday to approve payment to J. C. White Funeral Home of Pauper's funeral for Toni Michelle. Motion passed unanimously. ([SEE ATTACHMENT #07](#))

14. CONSIDER AND POSSIBLY APPROVE TRAVEL AND SEMINARS FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Fields and seconded by Commissioner Hinton to approve travel and seminars for Titus County employees and elected officials. Motion passed unanimously. ([SEE ATTACHMENT #08](#))

15. APPROVE ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to approve oral and written reports of County Officials. Motion passed unanimously ([SEE ATTACHMENT #09](#))

16. CONSIDER AND POSSIBLY APPROVE TREASURER'S REPORT (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve Treasurer's Report. Motion passed unanimously. ([SEE ATTACHMENT #10](#))

17. APPROVE BUDGET AMENDMENTS (Listen to audio track 1 and/or see video)

There were no budget amendments.

18. SIGN PAY ORDERS AND APPROVE PAYMENTS (Listen to audio track 1 and/or see video)

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to sign pay orders and approve payments. Motion passed unanimously. ([SEE ATTACHMENT #11](#))

19. CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS, IF ANY (Listen to audio track 1 and/or see video)

Judge Lee thanked everyone for attending and informed the audience that if anyone had any questions relating to Commissioners' Court, he would stay and answer any questions or receive any comments.

Commissioner Fields informed the public that the Tri Lakes Volunteer Fire Department will hold a Fund Raiser this Saturday, February 1, 2014 and invited everyone to attend. They will begin serving Chili at 5:30 p.m. with a cake auction to follow.

20. COUNTY JUDGE REQUESTS AN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 REGARDING CONSULTATION WITH ATTORNEY TO UPDATE THE COURT ON PENDING AND/OR THREATENED LITIGATION, SETTLEMENT OFFERS AND/OR MATTERS IN WHICH THE DUTIES OF THE ATTORNEY UNDER THE TEXAS RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS REQUIRE CONFIDENTIAL COMMUNICATIONS WITH POSSIBLE ACTION TO FOLLOW (Listen to audio track 1 and/or see video)

The Commissioners' Court recessed for Executive Session at 7:20 p.m. They reconvened at 7:40 p.m.

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to settle the lawsuit from the Bail Bond Board in the amount of \$2500.00. Motion passed unanimously.

ADJOURN (Listen to audio and/or see video)

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to adjourn. Motion passed unanimously.