

**COMMISSIONERS' COURT  
REGULAR MEETING  
SEPTEMBER 8, 2014**

**[AGENDA](#)**

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**[ATTESTATION TO MINUTES](#)**

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Notice is hereby given that the Titus County Commissioners' Court met in a Regular meeting on Monday, September 8, 2014 at 9:00 a.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                  |
| Chris Durant    | Constable Precinct 1,3,4        |
| Paula Dyke      | Justice of the Peace Precinct 2 |

**Public Attending Meeting:**

|                 |                     |                  |
|-----------------|---------------------|------------------|
| Norma Narramore | Margie Thomas       | Janice R. Chism  |
| Jewel Lee       | Paul Lindsey        | John Gatherer    |
| Lisa Toland     | Rick Toland         | Emily Aikman     |
| Chris Basham    | Karen Gatherer      | Troy Sellers     |
| Lou Antonelli   | Dr. John McCullough | Dr. Brad Johnson |
| Christie Davis  | Carolyn Norman      | Joyce Simpson    |

**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)**

Paula Dyke, Justice of the Peace Precinct 2, thanked the Sheriff's Department for the services they conducted at Cleve Johnson's funeral and also Chris Durant for his help since the death of Constable Cleve Johnson and what a good job he has done. Constable Johnson was killed in a one vehicle accident on August 28, 2014.

**2. CONSIDER AND POSSIBLY APPROVE MINUTES FROM AUGUST 25, 2014 SPECIAL MEETING OF THE COMMISSIONERS' COURT (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve minutes from August 25, 2014 special meeting of the Commissioners' Court. Motion passed unanimously.

**3. PRESENTATION BY DR. BRAD JOHNSON, NORTH EAST TEXAS COMMUNITY COLLEGE (Listen to audio track 1 and/or see video)**

Dr. Brad Johnson, Northeast Texas Community College President, presented handouts pertaining to the ballot for the November 4, 2014 Bond Election. Proposition 1 keeps a 10 cent Tax Cap for maintenance and operation costs but allows for voter approval of repair, restoration and improvement bonds. Proposition 2 requires passage of Proposition 1. It calls for voter approval of \$19.9 million in bonds to fund repair of existing college classrooms and infrastructure that are broken or worn out. If both propositions are approved, the net effective tax rate would increase by 3.6 cents per \$100 valuation. ([SEE ATTACHMENT #1](#))

The college is celebrating its 30<sup>th</sup> year and Dr. Johnson invites anyone to come take a tour of the college. A public forum will be held on 10/15/2014 at 6:00 p.m. at the Civic Center.

**4. PRESENTATION BY JUDGE KAY MCNUTT OF THE JUSTICE OF THE PEACE COURT CLERK LEVEL 1 CERTIFICATE TO MICHELLE LIVINGSTON AND WENDY MERCIER (Listen to audio track 1 and/or see video)**

Judge Kay McNutt was unable to be present due to unexpected circumstances and this item will be presented at a later date.

**5. DISCUSS LINE OF DUTY MEMORIAL CEREMONY ON THURSDAY SEPTEMBER 11 (Listen to audio track 1 and/or see video)**

Judge Lee informed the court that the Line of Duty Memorial Ceremony will be held at 9:00 a.m. on Thursday, September 11, 2014 on the east parking lot of the courthouse.

**6. CONSIDER AND POSSIBLY APPROVE THE ADDITION OF CONSTABLE CLEVE JOHNSON TO THE LINE OF DUTY MEMORIAL (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Mike Fields and seconded by Judge Lee to approve the addition of Constable Cleve Johnson to the Line of Duty Memorial. Motion passed unanimously.

**7. CONSIDER AND POSSIBLY TAKE ACTION ON THE PRECINCT 2 CONSTABLE POSITION (Listen to audio track 1 and/or see video)**

The replacement of Constable Cleve Johnson did not meet the guideline of a minimum of 74 days to be placed on the November 4, 2014 ballot in order to fill his unexpired term. There are three options that the court can choose: make no replacement; postpone or Commissioners' Court can appoint someone to fill this unexpired term. The replacement must reside in Precinct 2. Judge Dyke asked for clarification on the residency requirement to be appointed to this position, if they need to live in Precinct 2 for six (6) months or just currently reside in Precinct 2 at the time of application. They must be a commissioned officer or have 60 hours of college.

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to run an ad for two weeks to fill the position for Precinct 2 Constable and to call a special meeting to approve the replacement. Motion passed unanimously. Clarification is also needed to determine if this can be done in an Executive Session for interviews since it pertains to personnel or if it will have to be a Special called meeting.

**8. CONSIDER AND POSSIBLY APPROVE THE APPOINTMENT OF JEWEL LEE AND LISA TOLAND AS DEPUTY CONSTABLES FOR PRECINCT 1, 3 & 4 (CHRIS DURANT) (Listen to audio track 1 and/or see video)**

Constable Chris Durant informed the court that anyone serving in the position of Deputy Constable has to be commissioned under a constable. Due to the loss of Constable Cleve Johnson, Constable Durant is recommending that Jewel Lee and Lisa Toland who are currently serving under Precinct 2 be moved to Precinct 1, 3 & 4.

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve the appointment of Jewel Lee and Lisa Toland as Deputy Constables for Precinct 1, 3 & 4. Motion passed unanimously.

**9. UPDATE ON COUNTY CONSTRUCTION PROJECTS (CHRIS BASHAM) (Listen to audio track and/or see video)**

County architect, Chris Basham, informed the court that the offices for the Adult Probation were not completed as projected for early September due to the delay in the doors being delivered. They are scheduled for delivery on 09/10/2014 and will then have to be stained and installed with trim. The office furniture is due to be delivered on 09/23/2014. The new projected date for move in is the 1<sup>st</sup> of October.

The Ratliff building project has two phases. Phase 1, Elections Office, construction is now set for mid/late November after the election with 5-6 weeks of construction. Phase 2, Tax and Vehicle Registration Offices, construction is scheduled to start mid/late January 2015 with 8-10 weeks of construction. Bid packets are going out for both this week. ([SEE ATTACHMENT #2](#))

**10. CONSIDER AND POSSIBLY APPROVE EXPENDITURES OF \$850.00 FOR ENGINEERING FEES ON THE ADULT PROBATION REMODEL (Listen to audio track 1 and/or see video)**

The Texas State Board of Engineers has a law that was recently passed that there has to be an engineer to design or inspect any mechanical and electrical work over \$8000.

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve expenditures of \$850.00 for engineering fees on the Adult Probation remodel to Total Engineering Services from Longview. Motion passed unanimously. ([SEE ATTACHMENT #2](#))

**11. CONSIDER AND POSSIBLY APPROVE A PLAN FOR REPAIR AND RENOVATION OF THE ANNEX CORNER STOREFRONT FROM NEW PROBATION OFFICE TO MADISON STREET (Listen to audio track 1 and/or see video)**

Mr. Basham stated that approval had already been received from Main Street for the design of the annex corner storefront which would match the Adult Probation office. He estimated between \$30,000 to \$32,000 for repair and renovation of this project. ([SEE ATTACHMENT #3](#))

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to delay any further work. Motion passed unanimously.

**12. CONSIDER AND POSSIBLY APPROVE EXPANSION OF THE COUNTY COMPUTER ROOM LOCATED IN THE ANNEX (Listen to audio track 1 and/or see video)**

This expansion into existing hall and storage space is needed to provide work areas for computer maintenance and better management of network systems and to provide better security for network operations. It is estimated that the project will cost approximately \$11,000.00. ([SEE ATTACHMENT #4](#))

Motion was made by Commissioner Hockaday and seconded by Commissioner Riddle to authorize Chris Basham to go out for bids only for the expansion of the county computer room located in the annex. Motion passed unanimously.

**13. CONSIDER AND POSSIBLY APPROVE REPAIRS AT THE TWO COUNTY WEIGH STATIONS ON INTERSTATE 30 (Listen to audio track 1 and/or see video)**

Mr. Basham has received two proposals to repair the two weigh stations on north and south sides of I-30 to solve the rat infestation problem and clean up the mess caused by this problem. Stansell Construction's proposal was \$5500 and DeAngelo Development's was for \$11,200. When asked why so much difference, Mr. Basham explained that he had spoken with both

contractors and was told that since Stansell's business was in metal roof and buildings, he could do it much cheaper. ([SEE ATTACHMENT #5](#))

Motion was made by Commissioner Hockaday and seconded by Commissioner Hinton to approve Stansell Construction for repairs at the two county weigh stations on Interstate 30 in the amount of \$5500.00. Motion passed unanimously.

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

No formal report was received but Judge Lee did meet with James Construction Group, LLC and PTP regarding the project on FM 4000. The road will not be able to open because James Construction Group missed the September 1<sup>st</sup> seal coat deadline. They plan to continue working until late November and returning May 1, 2015 to repair work to the base material and begin the process of seal coat. Improvement is especially needed on the Chapel Hill and Union Hill roads due to heavy traffic because of the schools and college. The Texas Department of Transportation (TxDOT) has given them some options, one of which is to use asphalt at the cross streets.

**15. CONSIDER AND POSSIBLY TAKE ACTION ON A PLAN TO OPEN NEW 271 PORTION OF THE LOOP (Listen to audio track 1 and/or see video)**

The new 271 portion of the loop is scheduled to open on 09/16/2014 if TxDOT gives their approval this week. A stop sign and flashing lights will be placed at the intersection of 1735 and the railroad until Union Pacific gives their approval for sequence of lights and cross arms.

Motion was made by Commissioner Fields and seconded by Judge Lee to approve opening of new 271 portion of the loop if we have TxDOT approval and to have a small ceremony at the north end at 9:00 a.m. on Tuesday, 09/16/2014. Motion passed unanimously.

**16. OPEN BIDS AND POSSIBLY AWARD CONTRACT FOR APPLICATION OF SEAL COAT ON CR 1905 (Listen to audio track 1 and/or see video)**

Judge Lee asked how we could do this since the September 1<sup>st</sup> deadline for applying seal coat had passed and was told that TxDOT had said that is was okay since it did not apply to the loop project. Only one bid was received. ([SEE ATTACHMENT #6](#))

Motion was made by Commissioner Riddle and seconded by Commissioner Hinton to award contract for application of seal coat on CR 1905 to Ne-Tex Construction, LTD in the amount of \$43,120.00 based on 14,080 sq yd. Motion passed unanimously.

**17. CONSIDER AND POSSIBLY APPROVE PROPOSAL OF THE 2015 TAX RATE (Listen to audio track 1 and/or see video)**

Judge Lee referred the court to a chart showing Countywide and Luminant Power Plant Tax Values since the year 2000. Luminant's submitted tax value for the year 2014 is \$232,000,000 which represents 10.2% of the county's property value. They have had one meeting with the Titus County Appraisal District Board which rejected a negotiated offer from Luminant to settle for \$350 million. Another meeting is to be held tomorrow. Until a settlement is reached, Titus County has to base their proposed 2014 tax rate on the lower rendered value of \$232 million to

reflect expected collections from Luminant. This could change according to the outcome of the negotiations. See attached for Tax Rate and Public Hearings. ([SEE ATTACHMENT #7](#))

Motion was made by Judge Lee and seconded by Commissioner Fields to approve the proposal of the 2014 tax rate of 43.96 cents per \$100 valuation. Motion passed four to one with Commissioner Riddle voting nay.

**18. CONSIDER AND POSSIBLY MAKE CHANGES TO RETIREE HEALTH INSURANCE POLICY (TABLED 8-25-14) (Listen to audio track 1 and/or see video)**

Motion was made by Commissioner Riddle and seconded by Judge Lee to make additional changes to the Retiree Health Insurance Policy. Any employee that has at least 8 years of continuous service on October 1, 2014 will not have to meet the minimum age requirement of 60 years as approved on August 21, 2014. Motion passed four to one with Commissioner Hockaday voting nay. ([SEE ATTACHED SUMMARY OF RETIREE HEALTH INSURANCE POLICY – ATTACHMENT #8](#))

**19. 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 #9](#))

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

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to approve oral and written reports of county officials. Motion passed unanimously. ([SEE ATTACHMENT #10](#))

**21. 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 Fields to approve Treasurer’s report. Motion passed unanimously. ([SEE ATTACHMENT #11](#))

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

Motion was made by Commissioner Hinton and seconded by Commissioner Fields to approve budget amendments #63. Motion passed unanimously. ([SEE ATTACHMENT #12](#))

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

Motion was made by Commissioner Hinton and seconded by Commissioner Hockaday to sign pay orders and approve payments. Motion passed unanimously. ([SEE ATTACHMENT #13](#))

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

Judge Lee reminded everyone of the Line of Duty Memorial Ceremony to be held on the east parking lot on Thursday, September 11<sup>th</sup> at 9:00 a.m.

Commissioner Fields extended an invitation for the opening of the new 271 portion of the loop on Tuesday, September 16<sup>th</sup> at 9:00 a.m.

**ADJOURN (Listen to audio track 1 and/or see video)**

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