

**COMMISSIONERS' COURT
REGULAR MEETING
JUNE 12, 2017**

[AGENDA](#)

[AUDIO A](#)

[AUDIO B](#)

[ATTESTATION](#)

SCROLL DOWN FOR ATTACHMENTS AND/OR MINUTES

**COMMISSIONERS' COURT
REGULAR MEETING
JUNE 12, 2017**

The Titus County Commissioners' Court, after notice posted in the manner, form and contents as required by law, met in regular meeting on Monday, June 12, 2017 at 9:00 a.m. in the Titus County Courtroom, Room 205, located at 100 West 1st Street with the following members present:

| | | |
|-----------------|---|-------------------------|
| Brian P. Lee | - | County Judge |
| Al Riddle | - | Commissioner Precinct 1 |
| Mike Fields | - | Commissioner Precinct 2 |
| Dana Applewhite | - | Commissioner Precinct 3 |
| Jimmy Parker | - | Commissioner Precinct 4 |
| Joan Newman | - | County Clerk |
| Sheryl Preddy | - | County Treasurer |
| Tim Ingram | - | County Sheriff |
| Carl Johnson | - | County Auditor |

PUBLIC ATTENDING

| | |
|--------------------|------------------------|
| Nick Lewis | Philip Hoffman |
| Roger W. Ledbetter | Janice R. Chism |
| Sue Evenwell | Steve Austin, TCHC/VSO |
| Stephen Terrell | John Bratcher |
| Taylor Martin | 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

There were no public comments and/or requests for information on non-agenda items in accordance with Section 551.042, Texas Open Meetings.

2. CONSIDER AND POSSIBLY APPROVE MINUTES FROM MAY 8, 2017 REGULAR MEETING OF THE COMMISSIONERS' COURT

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to approve minutes from May 8, 2017 regular meeting of the Commissioners' Court. Motion passed unanimously.

3. CONSIDER AND POSSIBLY APPROVE MINUTES FROM MAY 15, 2017 SPECIAL MEETING OF THE COMMISSIONERS' COURT

Motion was made by Commissioner Fields and seconded by Commissioner Parker to approve minutes from May 15, 2017 special meeting of the Commissioners' Court. Motion passed unanimously.

4. CONSIDER AND POSSIBLY APPROVE MINUTES FROM MAY 22, 2017 SPECIAL MEETING OF THE COMMISSIONERS' COURT

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to approve minutes from May 22, 2017 special meeting of the Commissioners' Court. Motion passed unanimously.

5. CONSIDER AND POSSIBLY APPROVE MINUTES FROM MAY 30, 2017 WORKSHOP MEETING WITH THE COUNTY ROAD ENGINEER

Motion was made by Commissioner Fields and seconded by Commissioner Parker to approve minutes from May 30, 2017 workshop meeting with the County Road Engineer. Motion passed unanimously.

6. CONSIDER AND POSSIBLY APPROVE A 40 MPH SPEED LIMIT ON CR 1240 FROM CR 1220 TO CR 1140 (ROGER LEDBETTER)

Motion was made by Commissioner Fields and seconded by Commissioner Riddle to approve a 40 MPH speed limit on CR 1240 from CR 1220 to CR 1140 as proposed by County Road Engineer, Roger Ledbetter. Motion passed unanimously.

7. CONSIDER AND POSSIBLY APPROVE PURCHASE OF AN ASPHALT MAINTENANCE DISTRIBUTOR TRAILER THROUGH THE BUYBOARD (ROGER LEDBETTER)

Motion was made by Commissioner Fields and seconded by Commissioner Riddle to approve the purchase of an asphalt maintenance distributor trailer through the BuyBoard in the amount of \$74,235.00. Motion passed unanimously. ([SEE ATTACHMENT 01](#))

8. CONSIDER AND POSSIBLY APPROVE LEASING AND/OR RENTING THE FOLLOWING ITEMS: VIBRATORY SOIL COMPACTOR; 2000 GALLON WATER TRUCK (ROGER LEDBETTER)

Motion was made by Commissioner Fields and seconded by Commissioner Riddle to approve the following: [\(SEE ATTACHMENT 02\)](#)

- Rental agreement with purchase option from Holt Texas LTD in the amount of \$5,300.00/month for a Vibratory Soil Compactor
- 2000 Gallon Water Truck from East Texas Truck Systems in the amount of \$2,100.00 beginning June 13, 2017 and ending June 30, 2017.

Motion passed unanimously.

9. CONSIDER AND POSSIBLY APPROVE PURCHASE OF HAUL TRUCK (COMMISSIONER RIDDLE)

Commissioner Riddle informed the Court that he had found certified, used haul trucks through Ryder and thought the Court should go ahead and purchase. Roger Ledbetter reminded the Court that they had already gone out for bid for the purchase of a haul truck.

Motion was made by Commissioner Fields and seconded by Commissioner Parker to table approving the purchase of haul truck. Motion passed unanimously.

10. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR ASPHALT SAND: COLD MIX, HOT MIX AND LIMESTONE ROCK ASPHALT

Bids were received from RK Hall Construction, LTD, Richard Drake Construction Company LP and Longview Asphalt, Inc. for asphalt sand: cold mix, hot mix and limestone rock asphalt. [\(SEE ATTACHMENT 03\)](#)

| | <u>DRAKE</u> | <u>HALL</u> | <u>LONGVIEW</u> |
|---|--------------|-------------|-----------------|
| Hot Oil Sand Delivered | \$74.30 | \$70.50 | \$75.00 |
| Picked Up | \$65.30 | \$65.50 | \$65.00 |
| Type D Cold Mix Delivered | \$77.70 | \$71.90 | \$87.00 |
| Picked Up | \$68.70 | \$66.90 | \$77.00 |
| Type D Hot Mix Delivered | \$82.30 | \$77.00 | \$83.00 |
| Picked Up | \$69.80 | \$72.00 | \$73.00 |
| Type D Hot Mix Delivered and Laid Down | \$110.65 | No Bid | No Bid |
| Plant Mix Seal (500 ton Minimum) | \$126.40 | No Bid | No Bid |

Motion was made by Commissioner Fields and seconded by Commissioner Applewhite to give the three (3) bids to County Road Engineer, Roger Ledbetter and based upon circumstances at any given time, he be given the authority to make purchases based upon these prices and availability. Motion passed unanimously.

11. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR CONCRETE CULVERTS WITH REINFORCED STEEL WIRE, ALL DIAMETERS

The following bids were received for concrete culverts with reinforced steel wire, all diameters: (Price per foot) [\(SEE ATTACHMENT 04\)](#)

| <u>DESCRIPTION</u> | <u>COX CONCRETE</u> | <u>HOLMES CONCRETE & PIPE</u> |
|---------------------------------|---------------------|-----------------------------------|
| 12" reinforced concrete culvert | \$13.75 | No bid |
| 15" reinforced concrete culvert | No bid | \$14.95 |
| 18" reinforced concrete culvert | \$17.25 | \$19.75 |
| 24" reinforced concrete culvert | \$18.50 | \$29.50 |

Motion was made by Commissioner Fields and seconded by Commissioner Applewhite to go with the low bid from Cox Concrete. Motion passed unanimously.

12. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR STEEL CULVERTS 16 GAUGE GALVANIZED STEEL, 2.66 X ½" SPIRAL, LOCK SEAM CONSTRUCTION

Bids were received from McCoy's Building Supply, Holmes Concrete & Pipe Company and Contech Engineered Solutions for steel culverts 16 Gauge galvanized steel, 2.66 x ½" spiral, lock seam construction: (Prices per foot) [\(SEE ATTACHMENT 05\)](#)

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to give bids to Roger Ledbetter for review and to go with low bids and inform Court of selection at next Commissioners' Court meeting. Motion passed unanimously.

13. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR PLASTIC CULVERTS, ALL DIAMETERS

Bids were received from Burgin Pipe & Supply; McCoy's Building Supply; Holmes Concrete & Pipe Company and National Wholesale Supply for plastic culverts, all diameters: (Prices per foot) [\(SEE ATTACHMENT 06\)](#)

Motion was made by Commissioner Applewhite and seconded by Commissioner Parker to give bids to Roger Ledbetter for review and bring selection back to Court. Motion passed unanimously.

14. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR SEAL COAT AGGREGATE TY B GR 4

Bids were received from Martin Marietta and H. E. Spann. [\(SEE ATTACHMENT 07\)](#)

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to give bids to Roger Ledbetter for review and bring selection back to court. Motion passed unanimously.

15. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR TYPE A FLEXBASE ASH

Bids were received from Martin Marietta and H. E. Spann. [\(SEE ATTACHMENT 08\)](#)

Motion was made by Commissioner Parker and seconded by Commissioner Fields to give bids to Roger Ledbetter for review and bring selection back to court. Motion passed unanimously.

16. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR FLEXIBLE BASE

Bids were received from Martin Marietta and H. E. Spann. [\(SEE ATTACHMENT 09\)](#)

Motion was made by Commissioner Applewhite and seconded by Commissioner Parker to give bids to Roger Ledbetter for review and bring selection back to court. Motion passed unanimously.

17. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR FUEL (GASOLINE AND DIESEL)

Jackson Oil Company, Inc. was the only bid received for fuel (gasoline and diesel). [\(SEE ATTACHMENT 10\)](#)

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to approve bid from Jackson Oil Company, Inc. for fuel at \$0.09/gallon across the board with the exception of the County Jail Generator with a flat charge of \$125 being assessed to this location beginning July 1, 2017 through June 30, 2020. Motion passed unanimously.

18. OPEN AND REVIEW BIDS AND POSSIBLY APPROVE FOR COMPLETE LAWN MAINTENANCE CONTRACT

The following bids were received for lawn maintenance for a 12 month period: [\(SEE ATTACHMENT 11\)](#)

- Lewis Enterprise - \$800.00
- Stanley's Landscape- \$785.00

Motion was made by Commissioner Riddle and seconded by Commissioner Parker to approve the bid from Stanley's Landscape for complete Lawn Maintenance Contract beginning July 1, 2017 through June 30, 2018 to be paid \$785.00 monthly in 12 equal payments. Motion passed unanimously.

19. CONSIDER AND POSSIBLY APPROVE HARDWARE REPLACEMENT WITH NETPROTEC RELATED TO NET DATA SERVER TO COMPLY WITH DPS AND FBI SECURITY REQUIREMENTS

Motion was made by Commissioner Fields and seconded by Commissioner Riddle to approve hardware replacement with NetProtec related to Net Data server to comply with DPS and FBI security requirements. Motion passed unanimously. ([SEE ATTACHMENT 12](#))

20. CONSIDER AND POSSIBLY APPROVE AGREEMENT BETWEEN THE OFFICE OF THE ATTORNEY GENERAL AND TITUS COUNTY (DEBRA ABSTON)

Motion was made by Commissioner Applewhite and seconded by Commissioner Parker to approve agreement between the Office of the Attorney General and Titus County to authorize NetData to allow the OAG to have view/print access to County data stored in its Case Management and Imaging System through NetData. Motion passed unanimously. ([SEE ATTACHMENT 13](#))

21. CONSIDER AND POSSIBLY APPROVE A PROPOSED MODIFICATION TO TAX ABATEMENT APPROVED ON OCTOBER 6, 2015 AND AMENDED ON MARCH 14, 2016 FOR PRIEFERT MANUFACTURING/PMCI PROPERTIES II

Motion was made by Commissioner Fields and seconded by Commissioner Parker to approve a proposed Modification to Tax Abatement approved on October 6, 2015 and amended on March 14, 2016 for Priefert Manufacturing/PMCI Properties II due to negotiation period required between the Company and the Union Pacific RR going beyond the anticipated timeframe and delaying construction. Motion passed unanimously. ([SEE ATTACHMENT 14](#))

22. CONSIDER AND POSSIBLY APPROVE A PROPOSED MODIFICATION TO TAX ABATEMENT APPROVED ON NOVEMBER 17, 2015 FOR PRIEFERT MANUFACTURING/PMCI PROPERTIES II

Motion was made by Commissioner Fields and seconded by Commissioner Parker to approve a Proposed Modification to Tax Abatement approved on November 17, 2015 for Priefert Manufacturing/PMCI Properties II due to the Company experiencing difficulty in bringing the Tube Mill from Mexico. Motion passed unanimously. ([SEE ATTACHMENT 15](#))

23. CONSIDER AND POSSIBLY APPROVE CONTRACTING WITH SUDDENLINK TO PROVIDE TELEPHONE, LONG DISTANCE AND INTERNET SERVICES

Motion was made by Commissioner Applewhite and seconded by Commissioner Parker to approve contracting with Suddenlink to provide telephone, long distance and internet services for the Sheriff's office. Motion passed unanimously. ([SEE ATTACHMENT 16](#))

24. CONSIDER AND POSSIBLY APPROVE A BOND FOR WOODY HUGHES, RESERVE DEPUTY CONSTABLE, PCT. 1

Motion was made by Commissioner Parker and seconded by Commissioner Fields to approve a bond for Woody Hughes, Reserve Deputy Constable, Precinct 1. Motion passed unanimously. [\(SEE ATTACHMENT 17\)](#)

25. CONSIDER AND POSSIBLY APPROVE PLACEMENT OF MARKER FOR K9 OFFICER NITRO NEXT TO FIRST RESPONDERS' MEMORIAL

Motion was made by Commissioner Fields and seconded by Commissioner Parker to approve placement of marker for K9 Officer Nitro next to First Responders' Memorial. Motion passed four to one with Commissioner Riddle voting nay. [\(SEE ATTACHMENT 18\)](#)

Steve Austin, Veterans' Service Officer, invited the Court to attend a Flag Retirement Ceremony at the southwest corner of the Courthouse at noon on Wednesday, 6/14/2017.

26. CONSIDER AND POSSIBLY APPROVE USE OF SHERIFF'S VEHICLE FOR TEMPORARY TRAFFIC CONTROL

Titus County Sheriff, Tim Ingram, explained to the Court that TxDOT is working on bridges and guardrails on I-30 and has asked if their office could help with temporary traffic control for 1 to 1-1/2 months. They would be paid \$15.00/hour/car for the use of two (2) vehicles which should generate approximately \$15,000 to \$18,000 back into the General Fund. Off duty personnel would be paid separately. The vehicles being used are due to be retired.

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to approve the use of Sheriff's vehicles for temporary traffic control. Motion passed unanimously.

27. CONSIDER AND POSSIBLY APPROVE AN ORDER AUTHORIZING THE ISSUANCE OF TITUS COUNTY UNLIMITED TAX REFUNDING BONDS, SERIES 2017; APPOINTING A PRICING OFFICER AND DELEGATING TO THE PRICING OFFICER THE AUTHORITY TO APPROVE THE SALE OF THE BONDS; ESTABLISHING CERTAIN PARAMETERS FOR THE APPROVAL OF SUCH MATTERS; APPROVING AN ESCROW AGREEMENT AND PAYING AGENT/REGISTRAR AGREEMENT; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT

Motion was made by Commissioner Fields and seconded by Commissioner Riddle to approve an Order Authorizing the Issuance of Titus County Unlimited Tax Refunding Bonds, Series 2017; Appointing Hilltop Securities as a Pricing Officer and Delegating to the Pricing Officer the Authority to Approve the Sale of the Bonds; Establishing Certain Parameters for the Approval of such matters; Approving an Escrow Agreement and Paying Agent/Registrar Agreement; Levying an Annual Ad Valorem Tax for the Payment

of the Bonds and Enacting other Provisions relating to the subject. Motion passed unanimously. [\(SEE ATTACHMENT 19\)](#)

28. CONSIDER AND POSSIBLY TAKE ACTION ON A PROPOSAL FROM PRINT WORKS REGARDING THE LEASE OF THE WITT BUILDING AT THE NORTHWEST CORNER OF THE ANNEX NEXT TO ADULT PROBATION

Owner and General Manager of Print Works, Stephen Terrell, brought to the Court a proposal to remodel the interior of the Witt building in exchange for six (6) months' rent free followed by a two (2) year lease signed on 01/01/2018 at \$500.00/month with Print Works paying all utilities. Titus County will pay for replacement of two (2) west windows and provide \$2000.00 cash contribution toward other construction works. [\(SEE ATTACHMENT 20\)](#) They will use local contractors with David Edwards being the General Contractor. The City Code Inspector will give approval before they move in.

Motion was made by Commissioner Fields and seconded by Commissioner Applewhite to enter into an agreement with Print Works to rent free through the end of the year; begin a two (2) year signed lease on 01/01/2018 and authorize Judge Lee and Commissioner Riddle to oversee the remodeling efforts on behalf of Titus County. Motion passed unanimously.

Steve Austin brought to the Court's attention that the Historical Commission has signs stored in the building and will have to find another location for them.

29. CONSIDER AND POSSIBLY APPROVE TRAVEL AND SEMINARS FOR TITUS COUNTY EMPLOYEES AND ELECTED OFFICIALS

Motion was made by Commissioner Parker and seconded by Commissioner Applewhite to approve travel and seminars for Titus County employees and elected officials. Motion passed unanimously. [\(SEE ATTACHMENT 21\)](#)

30. APPROVE ORAL AND WRITTEN REPORTS OF COUNTY OFFICIALS

Motion was made by Commissioner Fields and seconded by Commissioner Applewhite to approve oral and written reports of county officials. Motion passed unanimously. [\(SEE ATTACHMENT 22\)](#)

31. CONSIDER AND POSSIBLY APPROVE TREASURER'S REPORT

Motion was made by Commissioner Parker and seconded by Commissioner Fields to approve Treasurer's report. Motion passed unanimously. [\(SEE ATTACHMENT 23\)](#)

32. APPROVE BUDGET AMENDMENTS

Motion was made by Commissioner Applewhite and seconded by Commissioner Fields to approve budget amendments #23-36. Motion passed unanimously. [\(SEE ATTACHMENT 24\)](#)

33. SIGN PAY ORDERS AND APPROVE PAYMENTS

Motion was made by Commissioner Applewhite and seconded by Commissioner Parker to sign pay orders and approve payments. Motion passed unanimously. ([SEE ATTACHMENT 25](#))

34. CLOSING COMMENTS BY COUNTY JUDGE AND COMMISSIONERS, IF ANY

Judge Lee informed the Court that Luminant has two (2) viable parties that are interested in operating the County Park. The Luminant Land Department will make a decision but will need another 30-60 days to finalize.

Judge Lee asked the Commissioners to be thinking about how they want to work with the City on providing restrooms for city events. They are presently using portable toilets but would like to have permanent facilities.

Judge Lee would like the Court to hold a Special meeting with Texas Association of Counties (TAC) regarding county health insurance and compare to what we now have.

Commissioner Riddle reported that the ground floor of the elevator needs tile replacement using the surplus tiles that are in storage. He will check on someone to do the job.

Commissioner Fields asked Commissioner Riddle if he had found anyone to dispose of used tires. Commissioner Riddle stated that he had checked with Upshur, Harrison and Dallas counties and was told that there was a grant that the county could apply for to get a shredder for the tires. The only company he had been able to locate was the company out of Paris that has been doing it in the past and they charge \$2.00/tire up to 18" and anything over that is \$1.00/inch. The Sheriff's office will provide labor to load the tires. Judge Lee will put this item on the next agenda.

ADJOURN:

Motion was made at 11:48 a.m. to adjourn by Commissioner Applewhite and seconded by Commissioner Parker. Motion passed unanimously.