

**JUNE 5, 2023**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 5<sup>th</sup> day of June A.D., 2023 at 9:00 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the Justice of the Peace, Precinct No. 2 Courtroom (200 Rook Ramsey Drive, Decatur, TX) of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
John "Biff" Hayes	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Danny Lambert	Commissioner, Precinct No. 3
Colby Shawn	Commissioner, Precinct No. 4

Blanca Tuma, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

1. Clark called the meeting to order at 9:00 a.m. All court members were present
2. Invocation
3. Pledge of Allegiance
4. Community Forum: None
5. County Correspondence: Shawn informed that Honeysuckle Road in Paradise is closed as of this morning and will continue to be closed until Thursday.
6. Coordination and cooperation for efficiency between precincts: Hayes expresses gratitude for all the help he's been given.
7. Plats: Motion made by Burns seconded by Hayes and unanimously adopted by the Court to approve the following plats, as presented:
  1. Four Tunes Acres, Final Plat. Lot 1 & Lot 2. Block 1. Chad Davis- Public Works. Precinct 2. (KB) granting a variance for drainage study. (See attachment)
  2. Kemper Creek, Final Plat. Lot 1, Block 1. Chad Davis- Public Works. Precinct 3. (DL) granting a variance for road frontage and drainage study variance. (See attachment)

3. Satellite City, Re-Plat. Unit 6, Lot 1 R, Block 8. Chad Davis- Public Works. Precinct 1. (JH) (No Variances) (See attachment)
  4. North Star Pointe, Re-Plat. Section Six (6), Phase 2, Lot 378R. Chad Davis- Public Works. Precinct 2. (KB) granting a variance for drainage study and building line variance (See attachment)
  5. ANR5 Acres Addition, Preliminary Plat. Lots 1-7. Block 1. Chad Davis-Joey Highfill. Precinct 4. (CS) Off 3332 granting a variance for road frontage. (No attachment, this was approved at the meeting prior to this)
8. Consider setting place, date and time for public hearing to consider Petition for creation of Wise County Emergency Services District No. 3 pursuant to Sec. 775.015(b)
- a) A Public Hearing was set to hear arguments for the creation of Wise County Emergency Services District No.3 pursuant to Sec 775.015 (b), Texas Health and Safety Code on July 10, 2023 at 8:30 AM before the Regular Meeting. Representatives from Paradise, Cottondale, and Salt Creek were present and gave thanks to the Court for working with them so far. A petition was filed which required 100 signatures. 183 signatures were submitted with 19 of those signatures being struck or rejected for various reasons. If passed by Commissioners' Court, it will be placed on the November Election Ballot. (See attachment)

Motion made by Burns seconded by Shawn and unanimously adopted by the Court to set the required Public Hearing on July 10, 2023 at 8:30 AM to be held in the Justice of the Peace, Precinct No. 2 Courtroom (200 Rook Ramsey Drive, Decatur, TX.)

9. Consider and act on board member reappointments for Emergency Services District #1. Steve Fusco and Greg Arrington are up for reappointment for terms that would end December 31, 2024

Motion made by Burns, seconded by Shawn and unanimously adopted by the Court to reappoint Steve Fusco and Greg Arrington on ESD No. 1 Board with terms expiring December 31, 2024.

10. Discuss and consider entering an interlocal under TGC 791.014 for road maintenance with Municipal Utility Districts with road powers.

This interlocal agreement would have Commissioners' doing maintenance and repairs on roads in the Municipal Utility District with a base charge of \$15,000 per project. Currently the Municipal Utility District that have road powers received a tax for it. Repairs to the roads would be paid for by that tax. If approved Commissioners' would be able to reject projects and be able to ensure the roads maintained up to the County's standards and one day the County would be able to adopt the roads. Motion made by Burns and seconded by Shawn to table this vote until the next meeting where the specific M.U.D (Hillcrest North) would be voted on. (No attachment)

11. Consider and act on approving Guaranteed Maximum Price (GMP) for Historic Courthouse Restoration Project.

Karl Komatsu of Komatsu Architecture; Lee Evans and Alan Odom Construction Managers from Premier Commercial Group were present for this meeting. Clark relayed that the cost estimate came in higher than anticipated and noted that construction prices are inflated. He

also pointed out that items needed are specific to the courthouse project and aren't easily obtained. Clark stated the costliest renovations will be the HVAC mechanical system, getting a new elevator, putting in a new roof and decking and all new windows. The construction amount within the proposed GMP is \$13.4 million. The overhead and profit contingency of Premier will cost \$14,677,349. The total amount for this project will either be at or below this number unless we add additional work orders. Clark said we have grant funding from Texas Historical Commission, American Rescue Plan funding, and this fall we will have Hotel Occupancy Tax funding. We also have money from fundraisers and money we have been saving and allocating through building and grounds capital for our local match before we knew we were going to receive the American Rescue Plan funding. Alan Odom stated that the proposed GMP is \$2 million lower than their original estimate. There will be a 16-month construction window. Odom also stated that local (Wise County) contractors are contributing \$4 million to the courthouse project. (No attachment)

Motion made by Shawn seconded by Burns and unanimously adopted by the Court to approve the GMP for the Historical Courthouse Restoration Project.

12. Donations:

- a) Kevin Burns: (Verbal) Donating 15 feet on the front of his property (30 feet from center of the road) on a 2-acre plot of land. Once approved he will bring a survey and quick claim deed (No attachment)

Motion made by Burns seconded by Shawn and unanimously adopted by the Court to approve the donation of land as presented with the Courts thanks.

13. Bid by Sale:

- a) Diana Allen (verbal) requested permission to move forward in the process of getting an offer from State Farm for a totaled Sheriff's Office vehicle. (No attachment)

Motion made by Shawn seconded by Burns and unanimously adopted by the Court to approve Diana Allen to move forward in the process.

- b) Diana Allen (verbal) requests permission to destroy and dispose of a Microsoft Surface tablet that is damaged. (No attachment)

Motion made by Shawn seconded by Burns and unanimously adopted by the Court to approve the disposal of the Surface tablet.

- c) Diana Allen (verbal) asked to cancel an unfulfilled purchase order with Comprehensive Communication. (No attachment)

Motion made by Burns seconded by Shawn and unanimously adopted by the Court to cancel the unfulfilled purchase order.

- d) Diana Allen (verbal, for information only) informed Commissioners she will be sending out an email and reminds Commissioners to schedule a time with her to look over the Texas Association of Counties' safety equipment. (No attachment)

14. Consent Agenda Item:

- a) Minutes: None.

b) Department Head Reports:

- Shawn (verbal) cited Section 181.044 of the Texas Utilities Code (NOTICE TO STATE OR COUNTY. (a) An electric utility proposing under this subchapter to construct a line along the right-of-way of a state highway or a county road not in a municipality shall give notice of the proposal to:
  - (1) the Texas Transportation Commission if the proposal relates to a state highway; or
  - (2) the commissioners court of the county if the proposal relates to a county road.) Shawn said that power poles are being put up too close to the roadway and it's become a safety hazard to drivers. Clark suggested they put together a committee or work group headed up by Shawn to go through potential scenarios of future power poles that go up. Chad Davis volunteered to be point of contact for the utility companies. The utility companies will reach out to Davis and he will inform the appropriate commissioner for that area. That commissioner will have 7 days to review the area and decide how to proceed. (See attachment)
- May Auditor's Report (See attachment)

c) Budget Amendments: 23-08 various line items and salary adjustments

d) Capital Expenditure Plan: None.

e) Claims & Payroll:

- Walk to court (See attachment)
- Auditor (Verbal) While mowing at Wise County Park a rock got picked up and hit a camper and broke the window.

f) Utility Permits/Right of Way:

- 6-inch gas pipeline to be bored under Old Base Road (See attachment)
- 6-inch gas pipeline to be bored under County Road 4659 (See attachment)
- 6-inch gas pipeline to be bored under County Road 4668 (See attachment)

g) Interlocal Agreements/Contracts: In Dropbox

(Original Contracts and Interlocal Agreements are filed in the Asset Control Office by Diana Allen.)

- Fully Executed (For informational purposes only-approval not required) (List): Ritchie Brothers July Auction Precinct 4, TCC Training Agreement, Nextlink County Services Agreement (See attachment)
- Renewals and Amendments (For informational purposes only-approval not required) Texas, State of-Coop Purchasing and Correct Solution MOU (See attachment)

Motion made by Lambert, seconded by Burns and unanimously adopted by the Court to approve all items listed under agenda item 14, as presented.

15. Joint Venture Project Agreements: None

16. Hazard Mitigation Plan and related grant projects: None.

17. Right-of-Way Improvements: None.

18. Burn Ban Update: Clark (verbal) Texas Government Code 352.051 allows Commissioners' Court to restrict the sale of certain aerial fireworks if the KBDI (Keetch-Byram Drought Index) is 575 or higher. Right now, the KBDI is 101 so we cannot place those restrictions. Aside from that the current burn ban is still valid and no further action is needed. (No attachments)

19. County Committee Reports: Clark (verbal) wants to authorize Shawn to establish a committee to oversee and review where to install the power poles.

Motion made by Hayes seconded by Burns and unanimously adopted by the Court to authorize and empower Shawn to create a working group committee (made up of County Officials and staff and provider representation) to make recommendations to Commissioners' Court related to electric pole installation and county road right of way.

20. Clark announced the next meeting as Monday, June 19, 2023. (Emancipation Day)

21. Clark adjourned the meeting at 10:15 AM, there being no further business to be had by the Court.

Minutes approved this 28<sup>th</sup> day of August, 2023, as printed.

J.D. Clark, County Judge, Wise County

John "Biff" Hayes, Commr. Pct. No. 1

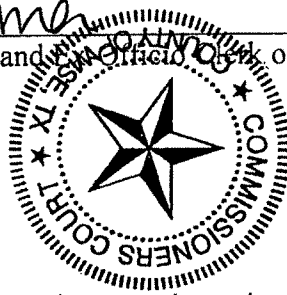
Kevin Burns, Commr. Pct. No. 2

Danny Lambert, Commr. Pct. No. 3

Colby Shawn, Commr. Pct. No. 4

ATTEST:

Blanca Tuma, County Clerk and Official Clerk of Commissioners' Court,  
Wise County, Texas.



The Wise County Commissioners' Court adopted revised **Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court** on March 25, 2019.