

AUGUST 8, 2022

## WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 8<sup>th</sup> day of August, A.D., 2022 at 9:00 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Court Room (3<sup>rd</sup>) Floor in County Courthouse 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
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, 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 AM. All court members were present.
- 2) Invocation
- 3) Pledge of Allegiance
- 4) Community Forum:

Precinct No. 3 resident Carrie Barron spoke about drug trafficking over the international border and into Wise County, Texas. Barron further discussed the drug fentanyl. Barron discussed unaccompanied minors moving into Texas over the southern international border.

Wise County Republican Party Chair Mike Drury read a statement supporting the resolution calling for additional measures to secure the border; stop invasion and protect our communities.

- 5) County Correspondence:

Clark noted an invitation to Ag Extension agent Tanya Davis' retirement on August 30, 2022 from 3-5pm at the Decatur Conference Center. (No attachment)

Burns presented verbal correspondence regarding the threat of a deadly disease that affects grass under stress. Burns commented that testing is available through the Ag Extension Office.

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6) The court presented the Wise County Historical Commission chair, Kerry Clower, with the Texas Historical Commission's Distinguished Service Award for 2021. (No attachment)

***Skip to agenda item 9: Consider and act on border security resolution in solidarity with Texas border counties.***

Clark read the provided resolution document for court record.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to adopt a resolution calling for additional measures to secure the border; stop the invasion at the border; and, protect our communities, as presented. (See attachment)

7) Precinct Cooperation/Coordination: none

8) Plats:

- Chance Rd. Addition, Lots 1-16, Block A, Construction Plans Acceptance, located in Precinct No. 1, as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Estate of Bison Creek, Phase 2, Maintenance Period Acceptance located in Precinct No. 1, as presented, with a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Tres Vista, Phase 2, Maintenance Period Acceptance and Final Plat Acceptance, located in Precinct No. 1, as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Hensley Estates, Replat, Lot 2A, Lot 2B, Lot 2C, and 2D, Block 1, located in Precinct No. 1, as presented, granting variances for drainage plan and road access, and including a letter of conformance from Wise County Development Services. (See attachment)
- East Wise Addition, Final Plat, Lots 1-6, Block 1, located in Precinct No. 1, as presented, with no variance requests, and including a letter of conformance from Wise County Development Services. (See attachment)
- Swan Lake, Preliminary Plat, Lots 1-9, Block 2, located in Precinct No. 1, as presented, including a letter of conformance from Wise County Development Services. (See attachment)
- Oak Haven Addition, Final Plat, Lot 1, Block 1, located in Precinct No. 1, as presented, granting a drainage plan variance and including a letter of conformance from Wise County Development Services. (See attachment)

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- Hanna Oaks Estates, Performance Bond/Final Plat Acceptance, Lots 6-20 & X, Block 1, Phase 1, located in Precinct No. 2, as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Grand Harbor on Lake Bridgeport, Replat, Lots 65-R1A and 65R-1B, Section One, Phase 1, located in Precinct No. 2, granting variances for drainage plan and road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)
- Regent Park, Phase 2, Maintenance Period Acceptance, located in Precinct No. 3, as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Garvin Hills, Final Plat, Lots 1-13, Block 1, located in Precinct No. 3, as presented, granting a variance for road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)
- Maverick Bend, Final Plat, Lots 1-18, Block 1, located in Precinct No. 3, as presented, granting variances for private road name and road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)
- Holiday Ranch, Vacating Plat, Lots 1-13, Block 29, located in Precinct No. 4, originally approved April 11, 2022, as presented. (See attachment) Clark noted the owner wants to vacate the plat because someone new purchased it and they want to start over. Public Works Director Joey Highfill discussed this further.
- The Reserve at Paradise Ranch, Final Plat Acceptance, located in Precinct No. 4, approval contingent upon Kimley-Horn and Associates civil analyst Shelby Warchesik's verification that the plat is the same that she reviewed. (See attachment)
- Clark noted the information on the Plat submittal sheet regarding RV/Manufactured Home Rental Development Plan and the stated notes for that plan. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all plat items, listed above, with variances requested and the contingency on the Reserve at Paradise Ranch, as presented.

10) Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to reappoint Cindy Buckner Barksdale as the Wise/Jack counties representative on the Helen Farabee Center Board of Trustees with a two-year term ending August 31, 2024. (No attachment)

11) Clark discussed the current 456 plan for supplemental retirement funding. Clark stated that Nationwide offers a better platform for voluntary employee accounts. Clark stated this is no

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cost to the county. Clark stated that plans currently with Security Benefit will be rolled over to Nationwide for interface with employees.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to authorize Clark and County Treasurer Katherine Hudson to close the deal with Nationwide as the county's selected 457 plan management company for voluntary employee accounts.

12) Clark opened the item for discussion of road/bridge funding scenarios/formulas for FY2023 budgeting purposes. Clark stated that the overall tax rate will come down and stated this is the last item for consideration before a proposed budget is presented at the next meeting.

Clark continued that all tax rate cuts are from General Fund and not Road/Bridge Farm-to-Market/Lateral Road which will provide over \$1,000,000.00 in extra funding for Road and Bridge Fund.

Clark asked County Auditor Ann McCuiston to review different scenarios. Clark told the court that the amounts provided are based on 98% tax collections; and, any changes in amounts is based on what the difference would be if the division is based on road miles only .

McCuiston stated this is based on 98% tax collections and is approximately \$4.4 million total as a group. McCuiston presented the following scenarios: (all amounts approximates)

Scenario #1 road miles

Precinct No. 1	247.68 miles	\$1.1 million
Precinct No. 2	336.39 miles	\$1.5 million
Precinct No. 3	170.60 miles	\$700,000.00
Precinct No. 4	214.44 miles	\$900,000.00

Scenario #2 half road miles and half population (1/2 the rate at \$4.4 million and 1/2 divided based on the 98% collections; each precinct receives \$549,900.00 equally)

Precinct No. 1	\$562,167.00 plus equal division	\$1,112,000	lose \$12,000.00
Precinct No. 2	\$763,514.00 plus equal division	\$1,313,000	lose \$213,000.00
Precinct No. 3	\$387,266.00 plus equal division	\$937,116	gain \$162,000.00
Precinct No. 4	\$486,721.00 plus equal division	\$1,036,000	gain \$63,000.00

Scenario #3 road value (percentage of value divided into the total \$4.4 million)

Precinct No. 1	\$1,157,000.00	gain \$32,000.00
Precinct No. 2	\$1,300,000.00	lose \$140,000.00
Precinct No. 3	\$797,000.00	gain \$22,000.00
Precinct No. 4	\$1,000,000.00	gain \$85,000.00

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Scenario #4 population only (equal division of \$4.4 million between all precincts)

Precinct No. 1	\$1.1 million	lose \$24,000.00
Precinct No. 2	\$1.1 million	lose \$427,000.00
Precinct No. 3	\$1.1 million	gain \$325,000.00
Precinct No. 4	\$1.1 million	gain \$125,000.00

Clark confirmed that the “lose” amount is what the amount would be if calculated by road miles.

McCuiston referenced a handout to the court of the different scenarios. (See attachment)

McCuiston provided FY2022 FMLR budget division as follows:

Precinct No. 1	\$842,000.00
Precinct No. 2	\$1,000,191.00
Precinct No. 3	\$626,000.00
Precinct No. 4	\$761,000.00

Lambert commented about the needs of Precinct No. 3; cost of salaries; cost of road materials; requests from the public; and use of reserve funds. Kennedy discussed division of funds when he was elected; amount of roads and population and even division of funds. Burns commented about the needs of Precinct No. 2. Hayes commented that Burns has more to take care and that Lambert doesn't have enough money to take care of what he has. Hayes commented about asphalt road upkeep and prefers to divide based on road value.

Burns asked if the court could divide based on 3/4<sup>th</sup> roads and 1/4 ad valorem tax collection?

Clark commented that it appears that half and half appears to be best for all. Clark confirmed the court requests to see the 50/50 division and the 75/25 division of precinct funds for FMLR at the next meeting on August 15, 2022.

The court further discussed road maintenance and demand.

13) Clark and Kimley-Horn and Associates civil analyst Shelby Warchesik presented Appendix Amendment No. 5 to the Wise County Development Rules and Regulations for court approval. Clark and Warchesik reviewed this with the court. (See attachment)

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to approve the Appendix Amendment No. 5 to the Wise County Development Rules and Regulations, as presented.

14) Donations:

- \$140.00 from Wise County Historical Museum for courthouse restoration from sale of calendars. (No attachment)

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- \$30,000.00 from Kyle Allison for Shadow Wood for PR 2698 in Precinct No. 2 as approved at the last meeting. (See attachment)
- \$30,000.00 from Kerry Allison for Shadow Wood for PR 2698 in Precinct No. 2 as approved at the last meeting. (See attachment)
- Wise County Water Control District #1 donation of a 2022 Interstate Trailer for 911 Addressing for lakes/dams. (No attachment)

Motion made by Lambert seconded by Burns and unanimously adopted by the Court to accept the donations listed, as presented, with the court's thanks.

15) Clark stated Wise County received a full grant award from the Texas Historic Commission for the Historical Courthouse Preservation Program and requested court approval to execute a funding agreement once Commissioners Court Attorney Thomas Aaberg has reviewed and okayed the agreement.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize Clark to execute a funding agreement for the Round XII Historic Courthouse Preservation Program grant once it is reviewed/approved by Commissioners Court Attorney Thomas Aaberg and to advertise for the bid/RFP process for construction management firm, as presented. (No attachment)

16) Bids:

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize Asset Control Officer Diana Allen to dispose of some broken file cabinets from Public Works in the scrap metal bin. (No attachment)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize Asset Control Officer Diana Allen to purchase eight (8) trucks via cooperative being four for the constables (cost \$47,110.75 each) and four for the Wise County Sheriff's Office investigators (cost \$47,965.75 each) with delivery in the Spring 2023.

Clark discussed vehicle issues with Emergency Medical Services (EMS) not being able to receive their order due to supply/demand. Burns asked if the county can bid for this item. Clark and Allen discussed with Burns about closing out the books and the close of the order bank. Clark discussed watching for additional order opportunities.

Allen told the court that the county ordered two pickup trucks in February 2022 that cannot be fulfilled. Allen requested the courts permission to advertise for bids for various vehicles and see what the county can find available.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Allen to advertise for bids for the purchase of various size

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trucks and SUVs for Emergency Medical Services (EMS); and, to see what is available with potential opportunity for other departments. (No attachment)

Motion made by Hayes seconded by Burns and unanimously adopted by the Court to approve of the backdating to July 26, 2022 the bid price increase from Rooker Asphalt for FY2022 bid only for the purchase of road surfacing materials. Allen stated Hayes was in need of some materials and requested backdating the approval to the date of the communication. Allen stated this will not affect the FY2023 bid for road surfacing materials. (No attachment)

Motion made by Burns seconded by Hayes and unanimously adopted by the Court to approve the price increase for inmate food services from Five Star for FY2023, as presented. (No attachment)

Motion made by Lambert seconded by Burns and unanimously adopted by the Court to advertise for bids and/or cooperative purchase for a new tandem axle bobtail truck for Precinct No. 3. (No attachment)

Allen stated that no bids were received for Bid No. 22-BID-021 for the purchase of a diesel truck with dump bed for Precinct No. 2.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to remove the dump bed specification from Bid No. 22-BID-021 for the purchase of a diesel truck with dump bed and re-advertise for the purchase of a diesel truck for Precinct No. 2. (See attachment)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to reject all bids for Bid No. 23-BID-001 for the purchase of asphalt road surfacing materials for all precincts and re-advertise for bids for purchase of asphalt road surfacing materials for all precincts. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to award Bid No. 23-BID-002 for bridge building and construction for all precincts to Horton Bridge and Piling for price per linear foot and price per linear foot with materials, as presented. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to award Bid No. 23-BID-003 for the purchase of bulk fuel for all precincts, Public Works and the Wise County Sheriff's Office to U.S. Oil, as presented. (See attachments)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to award Bid No. 23-BID-004 for the purchase of ready mix concrete for all precincts to Wise Ready Mix, as presented. (See attachment)

Motion made by Burns seconded Kennedy and unanimously adopted by the Court to award Bid No. 23-BID-005 for the purchase of culverts to Wilson Culverts for metal culverts, as presented; The Railroad Yard for polypropylene culverts, as presented; The Railroad Yard for railroad

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culverts, as presented; and, re-advertise for the purchase of concrete culverts for all precincts as no bids were received for concrete culverts. (See attachments)

No action taken by the court regarding Bid No. 23-BID-006 for hauling road materials for all precincts as no bids were received and the court chose to not rebid for this item at Allen's recommendation. Allen stated this can be revisited if needed in the future. (See attachments)

Motion made by Burns seconded by Hayes and unanimously adopted by the Court to award Bid No. 23-BID-007 for the purchase of magnesium chloride for all precincts to Scotwood Industries, as presented. (See attachments)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award Bid No. 23-BID-008 for pile driving for all precincts to Horton Bridge and Piling, as presented. (See attachments)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to co-award Bid No. 23-BID-009 for the purchase of road oils to Rooker Asphalt; Ergon Asphalt; and, Wright Asphalt, as presented. (See attachments)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to co-award Bid No. 23-BID-010 for rock and base materials for all precincts to Martin Marietta; Vulcan Construction; P&K Stone; Burnco; and, Hanson; and to authorize Asset Control Officer Diana Allen to advertise for bids for those items not bid in Bid No. 23-BID-010, as presented. (See attachments)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award Bid No. 23-BID-011 for scrap metal sale for all precincts to Bridgeport Iron and Metal, as presented. (See attachments)

17) Consent Agenda Item:

a) Minutes: July 11, 2022, as presented. (No attachment)

b) Department Head Reports:

- Items submitted in Dropbox but not provided for court record. (No attachments)
- Auditor's Report for July 2022 (See attachment)
- County Clerk monthly activity report for June 2022 (See attachment)
- Auditor (verbal): WCSO loaned 2013 Tahoe to Jack County after 2022 tornado.
- Public Works Director Joey Highfill (verbal): working with City of Denton landfill working with reducing pricing; accepting brush/limbs, etc.

c) Budget Amendments: FY22-16 for various line items. (No attachment)



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- d) Capital Expenditure: None
- e) Claims/Payroll: registers provided in DropBox (No attachments)
- f) Utility Permits/Right-of-Way: Lambert (verbal) re: question about a company digging across the county road.
- g) Contracts/Interlocal Agreements:  
(Original contracts and Interlocal Agreements are filed in the Asset Control Office by Diana Allen.)
  - Amendments list: Centurylink Loyal Advantage Agreement Amendment #3; OAG SAVINS FY2022 Agreement Amendment #1 to OAG Contract Grant No 2219731. (See attachment)
  - (For Informational Purposes only – approval not required) (See attachments)
  - Cancellations list: Dustin Office 2<sup>nd</sup> copier at the District Clerk's office. (For Informational Purposes only – approval not required)(See attachment)
  - Fully Executed: Helen Farabee MOA; Union Pacific Rail Road Reimbursement Agreement. (For Informational Purposes only – approval not required)(See attachments)
  - Renewals list: Timekeeping system; FY2023 Interlocals; FY2023 Contracts; Stenograph Software for CCL#1; TAC Retiree Benefits; NCTTRAC Membership; Alvord Medical Inmate Medical; Rhome, City of – Tower Lease. ((For Informational Purposes only – approval not required) (See attachments)
  - Justice Benefits Contract (See attachment)
  - Auto Agent Mass Payment Agreement (See attachment)
  - LexisNexis Wise County District Attorney's Office. (See attachment)
  - LexisNexis Wise County Attorney's Office. (See attachment)
  - Obermeyer Biomedical for Emergency Medical Services (EMS) (See attachment)
  - Zoll Medical Preventative Maintenance Contract. (No attachment)
  - TEMAT MOU (No attachment)

Allen requested clarification on the HB 1295 procedures approved previously. Allen stated the court approved that any price increase come back to the court for review. Allen and Clark clarified that if anything looks "off" the item will be returned to court for review. Allen discussed that annual renewals sometimes increase 2-5%. Allen requested that any price increase over 10% come back to court for review/approval.

***Back to Department Head Reports:***

McCuiston reported to the court that on Walk-to-Court items the request to add a reserve deputy constable for Precinct No. 3.

***Back to Interlocal Agreements/Contracts:***

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Allen added the following to Ad Valorem tax agreements: Boyd Public Improvement District No. 2; and, Hillcrest Municipal Utility District No. 1 pending Commissioners Court Attorney Thomas Aaberg's review. (No attachments)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve all items listed under agenda item 17: Consent Agenda Item, as presented, with verbal items as presented.

18) Project Agreement for Road Repair:

Motion made Burns seconded by Kennedy and unanimously adopted by the Court to approve the following project agreements for road repair, as presented:

- Project No. 2025 for Alvord ISD in Precinct No. 2 for the middle school drive addition. (See attachment)
- Project No. 2026 for Alvord ISD in Precinct No. 2 for the Intermediate Campus Parent Drive. (See attachment)
- Project No. 2027 for Alvord ISD in Precinct No. 2 for the Intermediate Campus Bus Loop. (See attachment)
- City of Chico for Kentucky Street in Precinct No. 2 if not previously requested/approved. (No attachment)
- City of Lake Bridgeport for various roads in Precinct No. 2 if not previously requested/approved. (No attachment)
- Kennedy requested a traffic study for a possible speed limit change on Old Towne Road from 40 to 30 mph in Precinct No. 4. Kennedy discussed annexation of the development by the City of Bridgeport. Kennedy and the court discussed annexation including the entirety of the road. Aaberg stated a traffic study doesn't have to be done but confirmed the item does have to go before the court. The court discussed placing this on the next agenda.

Hayes discussed a road issue in Precinct No. 1. Clark instructed County Judge Office Administrator Colleen Self to get with Hayes about his issue.

19) Hazard Mitigation: None

20) Right-of-Way Improvement Requests:

Motion made by Kennedy seconded by Lambert and unanimously adopted by the Court to clean the ditch and straighten the road on CR 3341 in Precinct No. 4 being the James Wood property.

21) Burn Ban: None

22) Committee Reports: None

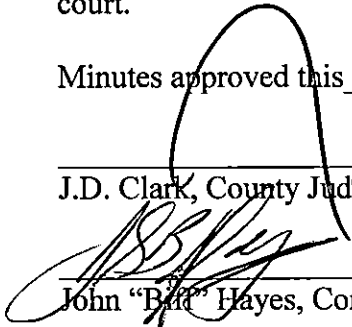
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23) Clark announced the next meetings as August 15, 2022 and Monday August 22, 2022 both meetings being held at 9:00 AM.

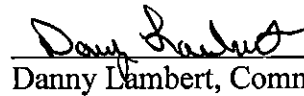
24) Clark adjourned the court at 10:26 AM, there being no further business to be had by the court.

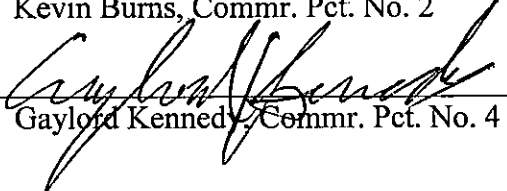
Minutes approved this 22nd day of August, 2022, as printed.

J.D. Clark, County Judge, Wise County

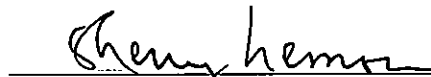
  
John "Biff" Hayes, Commr. Pct. No. 1

  
Kevin Burns, Commr. Pct. No. 2

  
Danny Lambert, Commr. Pct. No. 3

  
Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

  
Sherry Lemon, County Clerk and Ex-Officio 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.