

SEPTEMBER 12, 2022

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 12th day of September A.D., 2022 at 9:01 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 (3rd) 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 by Amanda Knox, Chief Deputy 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 9:01 AM. All court members were present.
- 2) Invocation
- 3) Pledge of Allegiance
- 4) Community Forum:

Boyd resident Lee Worley requested the Commissioners court remove the three minute community forum time limit in regards to the Texas Open Meetings Act and place consideration of this item on a future agenda.

- 5) Correspondence:

Clark noted the Wise County Emergency Operating Center opening/dedication today at 10:30 AM with the office being located at 205 N State Street.

Clark noted the Decatur Public Library Foundation murder mystery to be held on Saturday, September 17, 2022 (location not stated) with Clark and Sheriff Lane Akin both participating.

- 6) Precinct Cooperation:

Page Two, September 12, 2022 Mtg...

Kennedy asked the court to notify him if someone needs culverts because he needs to order as well.

Burns discussed a recent culvert repair under Hlavek Road; cost and water flow.

Back to agenda item 5:

Clark noted the first business conducted in the Wise County courthouse in 1896 was a Commissioners Court meeting. Clark stated today's Commissioners Court meeting is the last business to be conducted prior to the historic restoration. Clark noted the September 26, 2022 and all future meetings until the restoration is complete will be held in the Justice of the Peace, Precinct No.2 courtroom at the Wise County Law Enforcement Center.

7) Plats:

- Tres Vista, Final Acceptance, Phase I located in Precinct No.1 , as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- West Fork Hills, Preliminary Plat Review, Lots 1-16, Block 1, located in Precinct No. 1, as presented, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Stallings Addition, Final Plat, Lot 1, Block A, located in Precinct No. 1, as presented, granting a variance for drainage plan and including a letter of conformance from Wise County Development Services. (See attachment)
- Rolling Hills Phase 1 and 2 accept improvements and roads in the subdivision and allow developer to replace performance bond with a maintenance bond. (No attachment)
- **TABLE** action regarding Prosperity Estates, Final Plat, Lots 1-36, Block 1, located in Precinct No. 3, including a letter of conformance from Wise County Development Services. (See attachment)
- **TABLE** action LP Subdivision, Replat, Lots 6R-1 and 6R-2, located in Precinct No. 4, including a letter of conformance from Wise County Development Services. (See attachment)
- LP Subdivision, Replat, Lots 7R-1AAA and 7R-2AAA located in Precinct No. 4, as presented, granting variances for drainage plan and private road name, and including a letter of conformance from Wise County Development Services. (See attachment)

- Country Ridge Acres, Final Plat, Lots 1-4, Block 1, located in Precinct No. 4, as presented, granting variances for drainage plan and road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)
- Burns (Verbal) re: Dove Creek on CR 1480 in Precinct No. 2 with approval contingent upon review with County Engineer Chad Davis after this meeting with possible variances

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all plats listed above, except those TABLED, as presented.

8) Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to abolish a “No Truck Zone” on Acorn Drive in Precinct No. 2 and implement a “No Truck Zone” on CR 3001 in Precinct No. 2. (No attachments)

9) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to adopt a resolution of support for Wise County Committee on Aging’s “Texans Feeding Texans” grant application. (No attachment)

10) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve Western Surety Company Official Bond and Oath Continuation Certificate (Bond 72488460) for Charles Galen Wiley as Constable Precinct No. 2 County of Wise for a term beginning October 1, 2022 and ending October 1, 2024. (No attachment) (Original Bonds are filed in Official Bond and Oath Records by the Wise County Clerk)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve Western Surety Company Official Bond and Oath (Bond No72488450) for Dana Davis Manoushagian as Wise County Court at Law #2 Judge for Wise County for a term of two years beginning September 1, 2022. (No attachment) (Original Bonds are recorded in the Official Bond and Oath Records by the Wise County Clerk.) Clark noted this bond was accidentally left off the agenda.

11) Motion made by Burns seconded by Lambert and unanimously adopted by the Court to authorize Clark and Commissioners Court Attorney Thomas Aaberg to issue necessary orders for building moves related to sales, foreclosures, notices, etc., as presented. (No attachment)

12) Motion made by Burns seconded by Hayes and unanimously adopted by the Court to adopt the 2023 Sheriffs’ and Constables’ Fees, as presented; in accordance with Local Government Code 118.131(d) with said fees to have an effective date of January 1, 2023. (See attachment)

Clark noted the new fee of “68A Inspection, VIN Verification, as required by State of Texas” being \$40.00 to be collected by the Wise County Sheriff’s Office. Sheriff Lane Akin explained this additional fee.

13) Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to adopt the FY2023 Archive Fund and Plan for the County Clerk with said fee not to exceed ten dollars (\$10.00) per filing, as presented, this item being in conjunction with the Archive Fund Hearing held at 8:40 AM this date by the Wise County Commissioners Court. (See attachment)

14) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to consider passage and approval of an order for the adoption of the budget of total revenues and expenditures, to include all salaries, wages, benefits and other associated county costs for Wise County's fiscal year 2023 being October 1, 2022 through September 30, 2023, as presented, with the following roll call vote:

Commissioner Precinct No. 1, Hayes – Aye
Commissioner Precinct No. 2 Burns – Aye
Commissioner Precinct No. 3 Lambert – Aye
Commissioner Precinct No. 4 Kennedy – Aye
County Judge Clark – Aye

Clark stated the budget will raise more revenue from property taxes than last year's budget by an amount of \$2,850,000.00 due to an increase in values. Clark stated this reflects based on the \$0.30/\$100 valuation proposed tax rate. (See attachments)

15) Motion made Burns seconded by Lambert and unanimously adopted by the Court to consider passage and approval of an Order for the adoption (levy) of the Tax Rate for Wise County, Texas for fiscal year 2023 \$0.30/per \$100 valuation due to new construction values and increased revenue with state law requiring the county acknowledge the Wise County property tax rate be increased effectively by the adoption of the tax rate of \$0.30 which is effectively an 11.73 percent increase in the tax rate. The County tax rate is currently \$0.34 and this \$0.30 tax rate adoption does drop the tax rate by \$0.04 however the tax rate does generate additional revenue for the budget due to new construction and increased values. Of the \$0.30 tax rate \$0.255 will fund General Fund and \$0.045 will fund the Road and Bridge FMLR Fund, as presented, with the following roll call vote:

Commissioner Precinct No. 1, Hayes – Aye
Commissioner Precinct No. 2 Burns – Aye
Commissioner Precinct No. 3 Lambert – Aye
Commissioner Precinct No. 4 Kennedy – Aye
County Judge Clark – Aye

(See attachments)

16) Motion made Burns seconded by Lambert and unanimously adopted by the Court to consider passage and approval of an Order for the adoption (levy) of the Tax Rate for the Weatherford College Wise County (WCWC) Branch Campus Maintenance Tax for the 2022-2023 fiscal year of \$0.0375/per \$100 valuation being a reduction from the current \$0.04 tax rate due to new construction values and increased revenue with state law requiring the county

acknowledge the WCWC Branch Campus Maintenance tax rate will be increased effectively by the adoption of that tax rate effectively being a 17.64 percent increase in the tax rate. The current rate of \$0.04 this \$0.0375 tax rate adoption does generate additional revenue for the budget due to new construction and increased values, as presented, with the following roll call vote:

Commissioner Precinct No. 1, Hayes – Aye
Commissioner Precinct No. 2 Burns – Aye
Commissioner Precinct No. 3 Lambert – Aye
Commissioner Precinct No. 4 Kennedy – Aye
County Judge Clark – Aye

(See attachments)

17) Donations:

Motion made Burns seconded by Lambert and unanimously adopted by the Court to accept the following donations with the court's thanks:

- \$40.00 from Mae Habo to the Wise County Sheriff's Office
- Tractor with mower from the Wise County Water Control and Improvement District #1 to 911 Addressing Lakes/Dams division. (No attachments)

18) Bids:

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to co-award Bid No. 23-BID-012 for the purchase of asphalt road surface materials for all precincts to Austin Asphalt; Sunmount Paving; Jagoe Public; Reynolds Asphalt; Unique Paving; and, Waller County Asphalt, as presented.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to award Bid No. 23-BID-013 for the purchase of concrete culverts only for all precincts to Rinker Materials, as presented.

Asset Control Officer Diana Allen stated that no bids were received on Bid No. 23-BID-014 for the purchase of additional rock and base materials for all precincts. Allen requested the purchase of these items as necessary as this item has already been bid with no response.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to reject all bids received on Bid No. 22-BID-022 for the purchase of a diesel truck cab and chassis for Precinct No. 2. Burns stated the county has had trouble in the past with International brand trucks and requested to not spend taxpayer money on equipment that will stay in the shop.

Page Six, September 12, 2022 Mtg...

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Allen to purchase a two to four ton diesel truck (cab and chassis only) for Precinct No. 2 via Buyboard or cooperative purchase.

Allen stated the two previously approved ½ ton pickups ordered for Emergency Medical Services (EMS) in February 2022 were cancelled by the vendor. Allen stated that Karl Klement Ford didn't complete the bid specification checklist and must be rejected. Allen stated that James Wood did not meet all specifications specifically the heavy duty bumper and radiator. Allen continued the bid wording does allow for modified specifications when acceptable by the court.

Clark asked about the price comparison? Allen stated the original vehicles were \$46,594.00 each; and, this one is about \$60,000.00 but the vehicle is on the lot and ready to go. Allen confirmed the reorder for Emergency Medical Services (EMS) pickups approved August 22, 2022 was from the same vendor that previously cancelled and could take up to a year to receive if not cancelled again. Burns asked Preuninger if he's looked at the vehicles. Preuninger stated he hasn't in-person. Clark confirmed this purchase will be made from capital funds. Preuninger discussed ordering from the other vendor and related issues.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award Bid No. 22-BID-023 for the purchase of two ½ ton pickups for Emergency Medical Services (EMS) to James Wood. (See attachment)

Allen stated no bids were received for Bid No. 22-BID-024 for ¾ ton pickups for Emergency Medical Services (EMS) and are no longer needed.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to reject the bid for Bid No. 22-BID-025 for the purchase of a full size SUV for Emergency Medical Services (EMS) as it is no longer required.

Lambert stated that neither vendor on Bid No. 22-BID-026 met all specifications. The court discussed International truck history. Commissioners Court Attorney Thomas Aaberg confirmed bids must be awarded based on lowest and best. Burns stated this can be justified by the International truck repair bills for Precinct No. 2.

Motion made by Lambert seconded by Burns and unanimously adopted by the Court to award Bid No. 22-BID-026 for the purchase of a truck tractor with dump bed for Precinct No. 3 to Bruckner for \$165,704.00 for a 2023 or newer MACK truck. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the DIR Contract with the State of Texas for a continued archiving project for the County Clerk oil and gas lease records for \$290,360.80 to be paid from the County Clerk Archive Fund. (No attachment)

Allen stated Emergency Medical Services (EMS) has a trailer they no longer use and want to sell to the City of Decatur for rehabilitation of firefighters in the field and requested the court declare the item surplus and set a sale price for the contract. Clark confirmed with Emergency Medical Services (EMS) director Randall Preuninger that he wants to sell it for \$1.00. Burns commented he will donate the \$1.00. Allen commented she will get a contract drafted with Commissioners Court Attorney Thomas Aaberg. Allen stated there is some additional equipment in the trailer with county asset numbers that she will provide Aaberg with for the contract.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to authorize staff to take necessary steps to sell a rehab trailer (with equipment) from Emergency Medical Services (EMS) to the City of Decatur, as presented.

Allen addressed the court regarding a trailer seized by DPS and awarded (via court order) to the county that is no functional or useful to the county be given to Kemp's wrecker in lieu of storage fees owed. Clark confirmed that there was a trailer seized by DPS and subsequently awarded to Wise County Asset Control that currently has fees due to Kemp's Wrecker. Clark stated the suggestion to settle the debt by giving the trailer to Kemp's in lieu of fees and to settle the debt.

Motion made by Burns seconded by Kennedy to authorize Asset Control Officer Diana Allen to give the trailer to Kemp's in lieu of storage fees and to settle the debt.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to dispose as scrap three printers that were purchased but not picked up in the last auction as the equipment is past the useful life and are taking up needed space. (No attachment)

Public Works Director Joey Highfill notified the court that he is going to Ritchie Bros. Auctioneers, Inc. on September 20, 2022 regarding a backhoe that has almost no hours on it which is an item on Highfill's capital projects list.

19) Consent Agenda Item:

a) Minutes: August 22, 2022 (No attachment)

b) Department Head Reports:

- Items submitted in Dropbox but not provided for court record. (No attachments)
- Fy2023 budget for the Wise County Auditor's Office; District Judge Court Reporter. (See attachments)
- Auditor's Report for August 2022 (See attachment)
- County Clerk monthly activity report for August 2022. (See attachment)
- Wise County Weatherford College Branch Campus budget for court record with no indirect expenses. (See attachment)
- County Engineer Chad Davis re: bridge beams.

c) Budget Amendments:

FY22-18 for various line items. (No attachment)

d) Capital Expenditures: None

e) Claims and Payroll:

- registers provided in Dropbox (No attachment)
- Clark and County Auditor Ann McCuiston (verbal) re: \$267,194.02 in Comptroller unclaimed capital credits. Clark discussed the designated agencies (benefitting children and literacy programs) that can receive funds with funds being disbursed at approximately \$26,000.00 per agency. Clark stated he will send letters to the agencies regarding the award and requesting letters from agencies of how funds will be used.
- McCuiston re: Union Pacific railroad right-of-way for \$825.50 for CR 1326 in Precinct No. 2 to be paid from Burns' road and bridge funds.

f) Utility Requests/Right-of-Way: None

g) Interlocal Agreements/Contracts:

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

- Allen and Clark (Verbal) re: Kimley-Horn and Associates contract renewal. Allen stated the renewal has a 10% increase. Clark stated that he and Davis have discussed this and in a lot of ways still need and use Kimley-Horn and Associates for outside engineering. Clark noted that Davis has had issues with on-the-ground drainage issues versus what Kimley-Horn and Associates has reviewed. Clark requested more accountability.
- Allen (verbal): renewal of Watchguard for body and vehicle cameras. Allen stated that Motorola has purchased Watchguard and requested approval pending Commissioners Court Attorney Thomas Aaberg's resolution with Motorola/Watchguard.
- Allen (verbal - informational only):
 - Cancellation of District Clerk second copier – cannot cancel and will hold on to the retraction.
 - Emergency Medical Services (EMS) requested amendment to the current ESO agreement to remove training. (See attachment)
 - Need approval of a new training agreement with Vector/Target Solutions agreement pending Commissioners Court Attorney Thomas Aaberg's approval and required documents. (No attachment)
 - OAG Appris renewal for SAVNS (See attachment)
 - Komatsu fully executed amendment (See attachment)

- Iron Planet (No attachment)
- Brandi Bronniman – Juvenile Probation Cleaning Contract (See attachment)
- Wise County Messenger warehouse lease (See attachment)
- Renewals and Amendments (for informational purposes only- approval not required):
Trinity Innovative Solutions LLC (See attachment): Weatherford College Wise County Lease (No attachment)
- Fully Executed (list): New Fairview MUD 1 Ad Valorem Tax Collection; Wise County MUD 4 Ad Valorem Tax Collection; NCTCOG Area Agency on Aging; Alvord Medical; Nextlink Grant Program; Union Pacific Railroad Authorization for Crossing Improvement; Automated Merchant Systems; Boyd PID 1 Ad Valorem; Northwest ISD School Resource Officer. (See attachments – for informational purposes only, approval not required.)

Preuninger requested permission for Emergency Medical Services (EMS) medic school (two year program) that if an employee chooses their own school with Emergency Medical Services (EMS) approval then the county will reimburse the employee after the Emergency Medical Services (EMS) certificate is provided. Clark clarified that this is all pending available funds and that all schools are preapproved.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all items presented verbally and, as listed, for agenda item 19 with any changes noted.

20) Project Agreements for Road Repair:

Motion made by Kennedy seconded by Lambert and unanimously adopted by the Court to approve a project agreement with City of Paradise for tree branch cutting in Precinct No. 4, as presented. (No attachment)

21) Hazard Mitigation: None

22) Right-of-Way Improvements: None

23) Burn Ban: None

24) Committee Reports: None

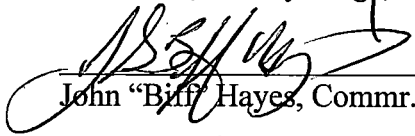
25) Clark announced the next meeting as Monday, September 26, 2022 at the Wise County Law Enforcement Center Justice of the Peace, Precinct No. 2 Courtroom at 9:00 AM.

26) Clark adjourned the meeting at 9:52 AM, there being no further business to be had by the court.

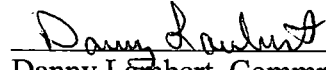
Page Ten, September 12, 2022 Mtg...

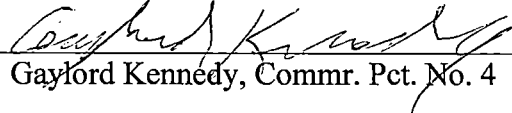
Minutes approved this 20th day of September, 2022, as printed.

J.D. Clark, County Judge, Wise County

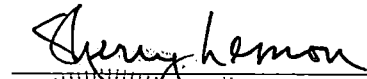

John "Biff" Hayes, Commr. Pct. No. 1

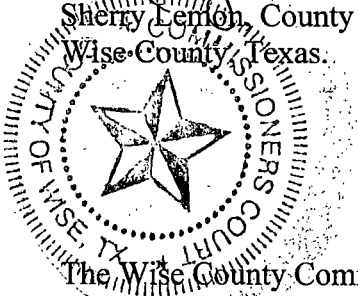

Kevin Burns, Commr. Pct. No. 2


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.

