

**JULY 11, 2022**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 11<sup>th</sup> day of July, 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 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 9:00 AM. All court members were present.
- 2) Invocation
- 3) Pledge

Clark requested to skip to agenda item 7 as Kennedy needs to leave immediately following to attend his brother's funeral.

***Skip to agenda item 7: Discuss plat and development plan submittals. Take necessary action.***

Clark presented the following plat submissions for court consideration:

- Quail Creek Subdivision, Preliminary Plat Review. Lots 1-19, located in Precinct No. 1 with a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Obitz Estates, Final Plat, Lots 1 and 2, Block 1, located in Precinct No. 1, granting a variance on a drainage plan and including a letter of conformance from Wise County Development Services. (See attachment)

- Treva Estates, Preliminary Plat, Lots 1-7, Block 1, located in Precinct No. 1, including a letter of conformance from Wise County Development Services. (See attachment)
- Mowery Place Addition, Preliminary Plat Review, Lots 1-4, Block 1; Lots 5-6, Block 2; Lot 7, Block 3, located in Precinct No. 2 (in the Decatur ETJ) granting a variance for drainage study and including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Bonita Vista Estates, Preliminary Plat Review, Lots 1-8, Block A, located in Precinct No. 2, and including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Hanna Oak Estates, Construction Plans Acceptance, Lots 6-20 and X, Block 1, Phase 1, located in Precinct No. 2, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)
- Quail Ridge Estates, Change from Completion Bond to Maintenance Bond; Road Build, located in Precinct No. 2 with no conformance paperwork provided to the court. (No attachment)
- Alvis Estates, Final Plat, Lots 1-2, Block 1, located in Precinct No. 3, granting variances for drainage plan and road frontage and including a letter of conformance from Wise County Development Services. (See attachment)
- Prosperity Estates, Preliminary Plat, Lots 1-36, Block 1, located in Precinct No. 3, including a letter of conformance from Wise County Development Services. (See attachment)
- Maverick Bend, Preliminary Plat, Lots 1-18, Block 1, located in Precinct No. 3, granting variances for road frontage and private road name, and including a letter of conformance from Wise County Development Services. (See attachment)
- Armstrong Addition, Final Plat, Lot 1, Block 1, located in Precinct No. 3, including a letter of conformance from Wise County Development Services. (See attachment)

Clark noted approval is contingent on receipt of tax certificates.

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- Farley Addition, Final Plat, Lots 1 and 2, Block 1 located in Precinct No. 3, granting variances for private road name; drainage plan and building line, and including a letter of conformance from Wise County Development Services. (See attachment)
- Lucky Ridge Final Plat, Maintenance Period Acceptance, Phase 3, 24 lots located in Precinct No. 3, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)

Clark noted that Lambert will abstain from voting on this item and it will be voted on separate from the other plat submissions.

- Fastbridge, Final Plat, Lot 1 and Lot 2, Block 1, located in Precinct No. 4, granting variances for drainage plan and road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)
- King Estates, Final Plat, Lot 1 and 2, located in Precinct No. 4, granting variances on drainage plan and road frontage, and including a letter of conformance from Wise County Development Services. (See attachment)

Motion made by Kennedy seconded by Burns with Hayes voting aye and Lambert abstaining to approve the final plat submission for Lucky Ridge Final Plat, Maintenance Period Acceptance, Phase 3, 24 lots located in Precinct No. 3, including a letter of general conformance from Kimley-Horn and Associates. (See attachment)

Motion made by Burns seconded by Hayes and unanimously adopted by the Court to approve all remaining plats, as presented and stated above.

Kennedy exited the meeting.

4) Community Forum: None

5) Correspondence:

Clark informed the court of the Sunday, August 28, 2022 retirement reception for County Court at Law #2 Judge Stephen Wren to be held from 2-4pm at First Baptist Church, Decatur, TX.

Sheriff Lane Akin reported to the court about the recent Texas State Jail Commission review/inspection commending his jail staff on their hard work and job well done.

6) Precinct Cooperation/Coordination:

Burns told the court he wants to do more asphalt work but will seal coat until the weather is cooler.

8) Burns stated a donor (individual or group) will take care of 100% of the cost required to bring PR 2698 in Pct. 2 up to standard (at the time the subdivision was developed) so the county can assume maintenance of the road and bring it into the county road maintenance system. Burns commented the current private road is in Shadowwood subdivision (being an unrecorded subdivision) and the road is approximately one (1) mile long. Burns stated the road has approximately 40 residents (including children) and that the school district will not pick up students on that road until it is brought up to better conditions. Burns stated he will seal coat the road only at 24' width once funds are received. Burns estimated the cost to bring the road up to standard at close to \$60,000.00.

County Treasurer Katherine Hudson commented that when funds are donated the donor will need to let the county know that the funds are for PR 2698 in Shadowwood subdivision.

Burns discussed the timeline of work for this road while working on other road projects in Precinct No. 2.

Motion made by Burns seconded by Lambert with Hayes voting aye to approve and agreement with Shadowwood subdivision residents on PR 2698 to have road improvements paid for by a donor and bring the road up to condition in order to assume county maintenance (and make it a county road).

***Back to agenda item 5: County Correspondence***

Clark introduced Decatur City Manager Nate Mara to the court. Clark told the court that Mara will be present at more Commissioners Court meetings in the future.

9) Clark stated the committee (Akin, JP2 Kim Redman and Clark) to fill the unexpired term for Constable Precinct No. 2 following the August 31, 2022 retirement of Constable Larry Short met and agreed to the unanimous nomination of Charles Galen Wiley to complete the unexpired term effective September 1, 2022. Clark reviewed Wiley's law enforcement experience and presented a copy of Wiley's resume for the court to review. (No attachment)

Akin discussed Wiley's law enforcement history and told the court he's excited about the selection. Wiley thanked the court for its consideration and discussed this new chapter of his life.

Motion made by Burns seconded by Hayes with Lambert voting aye to appoint Charles Galen Wiley as Constable Precinct No. 3 effective September 1, 2022 to fill the unexpired term following Larry Short's retirement on August 31, 2022. (No attachment)

10) Donations: None

11) Bids:

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Asset Control Officer Diana Allen told the court that the bid received for Bid No. 22-BID-019 is for 3/8" washed rock.

Motion made by Burns seconded by Hayes with Lambert voting aye to award Bid No. 22-BID-019 for Rock and Base Materials for 1/2" washed rock to Vulcan Materials. (See attachments)

No bids received for Bid No. 22-BID-020 for Diesel Truck with Dump Bed for Precinct No. 2.

Motion made by Burns seconded by Lambert with Hayes voting aye to authorize Asset Control Officer Diana Allen to re-advertise for bids for the purchase of a Diesel Truck with Dump Bed for Precinct No. 2 widening the specification parameters for a gross vehicle weight rating (GVWR) from 26,000 to 35,000 lbs.

Burns explained that the parameter needs to be widened as there are vehicles aren't available at this time.

Clark stated that Public Works Director Joey Highfill ordered a new vehicle with an estimated 8-12 month delivery.

The court discussed vehicle orders and delivery times.

12) Consent Agenda Item:

a) Minutes: June 27, 2022 (Special Meeting) (No attachment)

b) Department Head Reports:

- Items submitted in Dropbox but not provided for court record. (No attachments)
- County Engineer Chad Davis discussed TxDOT bridge beams with the court; beam size; and working with the TxDOT contractor for pick-up of said beams. (No attachment)
- Davis noted that the Lucky Ridge plat submission was not reviewed in-house. (No attachment)
- Asset Control Report for April 1, 2022 to June 30, 2022 (See attachment)
- Auditor's Report for June 2022 (See attachment)

c) Budget Amendment:

FY22-15 for various items. County Auditor Ann McCuiston stated the Wise County Sheriff's Office wants to pay compensatory time for fund 565 deputies. McCuiston stated this should be fine as long as Akin watches the non-personnel funds. McCuiston estimated the cost at about \$200,000.00 and told the court that Akin is willing to transfer funds if needed for this. Akin told the court this is to buy down to 125 hours for deputies.

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McCuiston and the court discussed the road/bridge tax breakdown for FY2023 either by population or road mileage or a mix of both. McCuiston stated the loss by population only would result in approximate \$3,000.00 increase for Pct. 1; \$190,000.00 decrease for Pct. 2; \$130,000.00 increase for Pct. 3; and a \$48,000.00 increase for Pct. 4.

Lambert and Burns both commented about the breakdown and discussed the potential need for a new formula to be discussed at the next meeting.

Davis discussed county road miles versus 9-1-1 addressing miles.

Burns discussed the 2008-2009 loss of approximately \$200,000.00 to General Fund from Road and Bridge fund and the need to increase road and bridge funding to make up for that loss citing the increased demand from Wise County residents for road maintenance.

McCuiston stated the county is using reserve funds for the TxDOT road projects and once complete the funds will go back to reserves.

Clark discussed the 3.5% revenue cap set by legislature and the idea of putting anything over the 20% General Fund balance policy back to reserves.

d) Utility Requests: None

e) Claims/Payroll: Registers provided in DropBox including paying for replacement of brick mailboxes with break-away mailboxes from General Fund.

Highfill discussed improvement with dumpsters in the county road right-of-way.

f) Utility Requests: None

g) Contracts/Interlocal Agreements:

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

- Memorandum of Understanding between Helen Farabee MHMR and Wise County Judge/Justices of the Peace 1-4. (See attachment)
- 2023 Memorandum of Agreement with Helen Farabee MHMR (No attachment)
- Fully Executed (list): Chico ISD SRO; TAC Health Benefits Renewal; State of Texas DPS Livescan. (See attachments)  
(for information purposes only – approval not required)

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- Renewals: City of Rhome Tower Lease (5 years); Employee Benefits Corporation; Stenograph Hardware CCL 1 and 2 (See attachments) (for information purposes only – approval not required)
- Bridgepay AMS contract for County Clerk credit card payments pending Commissioners Court Attorney Thomas Aaberg's approval (No attachment)
- Clark and Systems Administrator Steven Melton re: execution of Nextlink agreement pending Commissioners Court Attorney Thomas Aaberg's approval.

Motion made by Burns seconded by Lambert with Hayes voting aye to approve all items listed under the consent agenda item with changes and additions noted. (See attachments as listed)

13) Project Agreements for Road Repair:

Motion made by Burns seconded by Hayes with Lambert voting aye to allow an Alvord ISD employee who is improving the ISD playground equipment on his own time to use county equipment to assist in this.

14) Hazard Mitigation: None

15) Right-of-Way Improvements: None

16) Burn Ban:

Motion made by Burns seconded by Lambert with Hayes voting aye to renew a 90-day burn ban based on National Weather Service red-flag days, as presented. (See attachment)

17) Committee Reports:

Burns requested the Development Rules and Regulations Committee meet to discuss approval of subdivisions on private roads stating this item needs clarification in the Wise County Development Rules and Regulations book because there is no hard and fast rule. The court discussed various issues arising from this need for clarification.

The court agreed to set a meeting on Wednesday, August 3, 2022 at the Emergency Management Office 200 S State Street at a time to be determined.

18) Clark adjourned the regular meeting at 9:49 AM and entered into Executive Session for deliberation regarding critical infrastructure allowed under Texas Government Code 551.089.

19) The court entered into Executive Session at 10:16 AM with county legal counsel for private consultation allowed under Texas Government Code 551.071.

- 20) Clark reconvened the regular meeting at 10:39 AM. No action was taken on items discussed under Executive Session.
- 21) Clark announced the next meeting as Monday, August 8, 2022.
- 22) Clark adjourned the meeting at 10:40 AM, there being no further business to be had by the court.

Minutes approved this 9<sup>th</sup> day of August, 2021, as printed.

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J.D. Clark, County Judge, Wise County

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

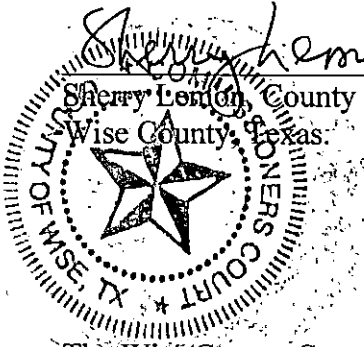
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Kevin Burns, Commr. Pct. No. 2

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Danny Lambert, Commr. Pct. No. 3

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Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

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Sherry London, 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.