

22-14  
COMMISSIONERS COURT MINUTES  
May 20, 2014

On Tuesday May 20, 2014, the Honorable Commissioners Court of Smith County, Texas, met for a regular meeting in the Smith County Commissioners Courtroom at the Smith County Courthouse Annex, 200 East Ferguson, in the City of Tyler, Texas.

**I. CALL TO ORDER**

Joel P. Baker, County Judge, called the meeting to order with members present:

County Judge: Joel P. Baker	Presiding
Commissioner: Precinct 1 Jeff Warr	Present
Commissioner: Precinct 2 Cary Nix	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

**II. INVOCATION**

Commissioner Terry Phillips led the invocation.

**III. PLEDGE OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS**

**IV. OPEN SESSION**

1. Bids: Struck-off Properties

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to ratify a resolution supporting approval of the bids for the sale of struck-off properties and authorize the County Judge to sign papers pertaining to the sale.

a) Cause No. 23,267-A

*Passed 5-0; Absent: (None); Absent: (None).*

2. Presentation: Animal Care Advisory Board

Commissioners Court received information and presentation from City of Tyler Chief of Police Gary Swindle and Lieutenant David Long of the Tyler Police Lean Six Sigma Department on the City of Tyler animal care plans.

Public Comment: Decorah Dobbs. Public participation forms attached.

3. Presentation: Building a Better Texas Award

Commissioners Court received the “Building a Better Texas Award” in honor of the 100-year anniversary of the partnership between the Smith County Commissioner’s Court and the Smith County AgriLife Extension Office.

4. Resolution: Centennial Anniversary

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to ratify a resolution declaring May 8, 2014, as the Centennial Anniversary of the partnership between the Smith County Commissioner’s Court and the Smith County AgriLife Extension Office. Resolution attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

5. Lease Extension: Department of State Health Services

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton for approval of a one-month Lease Extension Amendment with Texas Facilities Commission on behalf of the Department of State Health Services.

*Passed 5-0; Abstain: (None); Absent: (None).*

6. Inter-Local Cooperation Agreement

Commissioners Court took no action on agenda item 6 to discuss, consider, and take any necessary action to approve Inter-Local Cooperation Agreement between Andrews Center Behavioral Healthcare System and the Smith County Sheriff’s Office.

7. Resolution: Mr. Al Herrington Day

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to adopt a resolution declaring May 20, 2014, as Al Herrington Day in Smith County. Resolution attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

8. Resolution: Flint United Methodist Church Day

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to adopt a resolution declaring May 18, 2014, as Flint United Methodist Church Day in Smith County in honor of their 140<sup>th</sup> Anniversary. Resolution attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

9. Resolution: Court Improvement Grant Program

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 2 Cary Nix to adopt a resolution authorizing submission of Grant Application Number 1976208 by the 321<sup>st</sup> Judicial District Court for the Court Improvement Grant Program. Resolution attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

10. Salvage Yard Licenses: DABU Corp. dba Auto Parts Warehouse

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve application for renewal of provisional salvage yard license for DABU Corp. dba Auto Parts Warehouse, 10087 Greenbriar Road, Tyler, Texas 75709. Application attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

11. 2014 Annual Audit for Emergency Services District #1

Commissioners Court received into the Court's minutes the 2014 Annual Audit for Emergency Services District #1. Report attached.

12. Report: Environmental Crimes April 2014

Commissioners Court received into the Court's minutes the Smith County April 2014 Environmental Crimes Report. Report attached.

13. Activity Report: Constable – Precinct 4

Commissioners Court received into the Court's minutes the April 2014 Monthly Activity Report from Precinct 4 Constable's Office. Report attached.

14. Donations: Mustard Seed Ministries

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve the donation of old and/or obsolete computer items from storage to Mustard Seed Ministries. Copies attached

*Passed 5-0; Abstain: (None); Absent: (None).*

15. Report: Road and Bridge Department

Commissioners Court received status report from the Road and Bridge Department.

16. Donation: John Soules Foods

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to receive the reimbursement from John Soules Foods for drainage culverts installed on Donaldson Lane in the amount of \$3,081.00 to be put back into the Road and Bridge fund and authorize the County Auditor to administer the receipt.

*Passed 5-0; Abstain: (None); Absent: (None).*

17. Resubdivision of Lot 2 of Blue Sky Ranchettes, Pct. 3

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize the County Judge to sign the resubdivision of Lot 2 of Blue Sky Ranchettes, Pct. 3. Copies attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

18. Pipe and/or Utility Line Installation

Commissioners Court received pipe and/or utility line installation requests: (notice only):

a.) CR 129 Walnut Grove WSC, 40' road bore, Pct. 1

b.) CR 431 Lindale Rural WSC, 8" water main for service, Pct. 3

These lines will be constructed as directed by the Road Administrator in accordance with Smith County specifications. Copies attached.

19. Standard Letters of Agreement: Dredged Materials

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to ratify standard letters of agreement for disposal of dredged materials. Agreements attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

20. Report: Auditor/Treasurer

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 1 Jeff Warr to accept the Auditor/Treasurer report for April 2014.

*Passed 5-0; Abstain: (None); Absent: (None).*

21. Payment of Accounts

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 Cary Nix to approve and/or ratify payment of accounts, bills, payroll, and transfer of funds, amendments, and health claims. Copies attached.

*Passed 5-0; Abstain: (None); Absent: (None).*

22. Jail Projects Update and Recommendation(s)

Commissioners Court received status report and update from Commissioner Jeff Warr on the progress of the jail project.

23. Report: Smith County Jail Status and Related Information

\$20,039,204 Expenditure to date (Contract Housing)  
\$453,630 Expenditure Budget Year 13/14 (Contract Housing)  
716 Total Population, 574 Male, 142 Female  
641 in Smith County Jail and 75 transferred to other Counties.  
9 Federal Prisoners, 23 scheduled to TDC, 46 papers ready.  
40 Parole violations and 37 Parole violations with other charges.  
70 Total child support cases, 35 non-payment of child support and  
35 non-payment of child support with other charges.  
Average stay for non-payment of child support: 69 days.  
12 open jailer positions  
Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 10:25 a.m. and went into Closed Session.

V. **CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Section 551.071, 551.072, 551.074 and 551.076 of the Texas Government Code.**

24. Receive consultation and seek legal advice regarding available options concerning security issues at Smith County Jail facilities, including but not limited to the deployment or specific occasions for implementation of security personnel or devices or a security audit pursuant to Tex. Gov't Code 551.076.

25. Receive legal update briefing and consultation and seek legal advice regarding pending legal cases, including but not limited to matters placed with outside counsel.

26. Discuss personnel matters, including but not limited to employment or duties of departments supervised by the Smith County Commissioners Court.
27. Receive consultation and seek legal advice regarding available options for general real estate and lease matters related to master plan and County facilities.

Commissioners Court recessed Closed Session at 11:29 a.m. and went directly into Open Session.

## VI. OPEN SESSION

### 28. Security: Personnel/Devices/Audit

Commissioners Court took no action on agenda item 28 to discuss, consider, and take any necessary action relevant to the deployment or specific occasions for implementation of security personnel or devices or a security audit.

### 29. Legal Matters: Outside Counsel

Commissioners Court took no action on agenda item 29 to discuss, consider and take any action regarding pending legal cases, including but not limited to matters placed with outside counsel.

### 30. Personnel Matters

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to allow employee #010495043 to be eligible to receive health benefits effective June 1, 2014, pursuant to the request of the Auditor's Office and Human Resources.

*Passed 5-0; Abstain: (None); Absent: (None).*

### 31. County Facilities: Real Estate

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to extend the real estate contract for purchase of the Smith County Office Building for an additional 60 days through July 15, 2015, pursuant to the terms of the original contract as the buyer has exercised his rights to extend the closing date and provided the earnest money as set aside in the original contract.

*Passed 5-0; Abstain: (None); Absent: (None).*

**VII. PUBLIC COMMENT**

No public comment at this time.

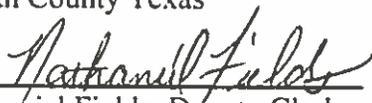
**VIII. ADJOURNMENT**

Meeting was adjourned by Judge Joel P. Baker and by acclamation the first meeting that preceded this court session was declared over.

Approved:   
Chairperson Commissioners Court



ATTESTED:  
Karen Phillips, County Clerk  
Smith County Texas

By:   
Nathaniel Fields, Deputy Clerk