

FILED
December 18, 2014
at *3:36 P.M.*
Karen Phillips, County Clerk
Smith County, Texas
By: *H. Judd* Deputy

57-14
COMMISSIONERS COURT MINUTES
December 18, 2014

On Thursday December 18, 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

Leonardo Brown, Smith County Human Resources Director, led the invocation.

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

IV. PUBLIC COMMENT

No public comment at this time.

V. OPEN SESSION

1. Bids: Struck-off Properties

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr 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. 20,306-C
- b) Cause No. 24,259-C
- c) Cause No. 20,919-A
- d) Cause No. 22,208-B
- e) Cause No. 20,389-B
- f) Cause No. 19,253-A
- g) Cause No. 21,763-B
- h) Cause No. 22,095-C

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

2. Reappointments: Smith County Historical Commission

Motion made by Commissioner – Precinct 2 Cary Nix and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the reappointment of members as presented to the Smith County Historical Commission for a two-year term, beginning January 1, 2015.

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

3. Reappointments: County Fire Marshal

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 1 Jeff Warr to approve the reappointment of Roy J. (Jay) Brooks, as County Fire Marshal, for a term not to exceed two years, beginning December 21, 2014, through December 20, 2016.

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

4. Commissioners Court Meetings and Procedures

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 1 Jeff Warr to approve renewal of Public Official bonds for the following:

- a) Judge Joel Baker, County Judge, for a four-year term
- b) Judge Floyd Getz, County Court at Law 3 Judge, for a four-year term
- c) Commissioner Cary Nix, Precinct 2 Commissioner, for a four-year term
- d) Judge Gary Alfred, Justice of the Peace Precinct 2, for a one-year term
- e) Judge James Cowart, Justice of the Peace Precinct 5, for a one-year term
- f) Justice of the Peace Mitch Shamburger
- g) Justice of the Peace James Meredith
- h) Justice of the Peace Quincy Beavers
- i) Treasurer Kelli White

Bonds attached.

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

5. Amended Plat: Country Way Subdivision Phase I, Pct. 3

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 2 Cary Nix to authorize the County Judge to sign Amended Plat for Country Way Subdivision Phase I, Pct. 3. Copies attached.

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

6. Final Plat: Country Way Subdivision Phase II, 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 Final Plat for Country Way Subdivision Phase II, Pct. 3. Copies attached.

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

7. Pipe and/or Utility Line Installation

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

- a) CR 2185 Enbridge Pipelines, Inc., pipeline crossing, Pct. 2.
- b) CR 2138 Enbridge Pipelines, Inc., pipeline crossing, Pct. 2.

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

8. 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).

9. 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).

10. Jail Projects Update and Recommendation(s)

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

11. Report: Smith County Jail Status and Related Information

\$20,283,104 Expenditure to date (Contract Housing)

\$73,200 Expenditure Budget Year 14/15 (Contract Housing)

614 Total Population, 501 Male, 113 Female

603 in Smith County Jail and 11 transferred to other Counties.

20 Federal Prisoners, 14 scheduled to TDC, 26 papers ready.

12 Parole violations and 39 Parole violations with other charges.

53 Total child support cases, 30 non-payment of child support and

23 non-payment of child support with other charges.

Average stay for non-payment of child support: 81 days.

19 open jailer positions

Smith County Jail Population Summary attached. No action necessary.

Commissioners Court recessed Open Session at 9:41 a.m. and went into Closed Session.

VI. CLOSED SESSION: To consult, receive, and seek advice from attorney pursuant to Sections 551.071, 551.0725, and 551.072 of the Texas Government Code.

12. Discuss personnel matters, including but not limited to employment or duties of departments supervised by the Smith County Commissioners Court.
13. Receive legal update briefing and seek legal advice regarding pending legal matters.
14. Receive legal update briefing and seek legal advice regarding pending contracts and procurement requirements.

Commissioners Court recessed Closed Session at 10:43 a.m. and went directly into Open Session.

VII. OPEN SESSION

15. Personnel: Employment / Duties of Departments

- a) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve the client directive form for processing of a dental claim.
Passed 5-0; Abstain: (None); Absent: (None).
- b) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve a one-time exception to the overtime policy for the Facilities Services Department during the completion of the jail project on December 20 and 21, 2014.
Passed 5-0; Abstain: (None); Absent: (None).
- c) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 Cary Nix to approve the adoption of the revised job description previously known as the Public Relations Executive Assistant position in the Commissioners Court and reassign those duties as stated to a Public Information Officer position and that the salary be amended to reflect a PIO position under the same salary plan as an Executive Assistant.
Passed 5-0; Abstain: (None); Absent: (None).

16. Legal Matters: Outside Counsel

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve property damage release in the amount of \$12,760.22 between Smith County and Francisco Velazquez, Marla Rodriguez, Old American County Mutual Fire Insurance Company and Newport General Agency.
Passed 5-0; Abstain: (None); Absent: (None).

17. Contracts: Procurement Requirements

Public Comment: Bob Brewer. Public participation forms attached.

a) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the DELL equipment lease as presented for a period of three years.

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

b) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the contract changes as presented with Suddenlink.

Passed 4-0; Abstain: Commissioner Jeff Warr; Absent: (None).

c) Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 2 Cary Nix to approve the contract as presented with DELL Secure Works for security service.

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

VIII. ADJOURNMENT

Meeting was adjourned by Judge Joel P. Baker

Approved: 
Chairperson Commissioners Court



ATTESTED:
Karen Phillips, County Clerk
Smith County Texas

By: 
Nathaniel Fields, Deputy Clerk



COUNTY OF SMITH

KAREN PHILLIPS, County Clerk

200 East Ferguson Street, Suite 300
Tyler, Texas 75702

THE STATE OF TEXAS COUNTY OF SMITH

I, KAREN PHILLIPS, COUNTY CLERK, OF SMITH COUNTY, TEXAS, do hereby certify that the foregoing is a Notice of Commissioners Court Meeting of Smith County as appears on record in Commissioners Court Minutes records of Smith County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18th day of December, 2014 A.D.

Karen Phillips, Clerk County Court,
Smith County, Texas



By Nathaniel Fields
Nathaniel Fields, Deputy Clerk