

32-09
COMMISSIONERS COURT MINUTES
April 6, 2009

On Monday, April 6, 2009 the Honorable Commissioners Court of Smith County, Texas, met for a special meeting in the Commissioners Courtroom at the County Courthouse Annex 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 William McGinnis	Present
Commissioner: Precinct 3 Terry Phillips	Present
Commissioner: Precinct 4 JoAnn Hampton	Present

II. INVOCATION

Harvy Tanner led the invocation.

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

IV. PUBLIC SESSION

1. Payment of Accounts

Motion made by Commissioner – Precinct 2 William McGinnis and seconded by Judge Joel Baker to approve and/or ratify payment of accounts, bills, payroll, transfer of funds and health claims.

a. Consider approval of budget transfer for Environmental Crimes from Vehicles and Nuisance Abatement to Miscellaneous Equipment in the amount of \$9,600.00. Copies and Budget Transfer attached.
Passed 5-0; Abstain: (None); Absent: (None).

2. Standard letter of Agreements

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to approve ratification of standard letter of agreements for disposal of dredged materials. Copies attached.
Passed 5-0; Abstain: (None); Abstain: (None).

3. Pipe and/or Utility Line Installation

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

- a. County Road 359 Star Mountain Water 2" PVC casing for water line. Pct. #3
- b. County Road 437 CenterPoint Energy 5' of ½" plastic pipe. Pct. #4

These lines will be constructed as directed by the Road Administrator in accordance with Smith County specifications. Copies attached. No action.

4. Plat: Kilgore Estates, Pct. #1

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 4 JoAnn Hampton to authorize the County Judge to sign final plat of Kilgore Estates, Pct. #1. Copies attached.

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

5. Plat: Phase I Country Meadow Estates, Pct. #3

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 2 William McGinnis to authorize the County Judge to sign final plat of Phase I Country Meadow Estates of Lindale Pct. #3.

Copies attached.

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

6. Plat: Hershel Tate Subdivision, Pct. #3

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 3 Terry Phillips to authorize the County Judge to sign final plat of Hershel Tate Subdivision, Pct. #3. Copies attached.

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

7. Resolution: "National Public Health Week" in Smith County

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to adopt a resolution declaring April 6-12 as "National Public Health Week" in Smith County. Resolution attached.

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

8. Election: May 9, 2009

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the inter-local agreement between the City of Winona, Winona Independent School District and Smith County for conducting the May 9, 2009 Election. Agreement attached.

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

9. FY09 Projects Update

Commissioners Court received into the minutes the FY09 Projects Update; take any action necessary. FY09 Project Update attached. No action.

10. Littleton Group Insurance: 2005 Chevrolet Impala Car

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve settlement offer on wrecked 2005 Chevrolet Impala car VIN#2G1WF55K059247444 from the Littleton Group Insurance Services. Copies attached.

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

11. Applications & Specifications: County Depository, IAS-01-09 & County Sub- Depository, IAS-02-09

Motion made by Commissioner – Precinct 1 Jeff Warr and seconded by Commissioner – Precinct 2 William McGinnis to authorize Purchasing Director to advertise and request sealed Applications and Specifications for the following services:

- a. County Depository, IAS-01-09
 - b. County Sub-Depository, IAS-02-09
- Copies attached.

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

12. Uniform Contract: Nardis, Inc., RFP-14-07

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 3 Terry Phillips to approve the renewal of uniform contract with Nardis, Inc., RFP-14-07. Memorandum attached.

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

13. Contract: ThyssenKrupp Elevator

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 4 JoAnn Hampton to approve the contract between Smith County and ThyssenKrupp Elevator for elevator modernization to allow access to the fifth and sixth floors at the Smith County Courthouse. Agreement attached.

Passed 4-0; Commissioner Terry Phillips voted "No"; Absent: (None).

14. Smith County Wide Clean Up Program

Commissioners Court passed on agenda number fourteen to discuss, consider and take any necessary action regarding Smith County wide Clean Up Program.

15. Rose City Chapter of Top Ladies of Distinction, Inc.

Motion made by Commissioner – Precinct 4 JoAnn Hampton and seconded by Commissioner – Precinct 2 William McGinnis to approve a commendation to Rose City Chapter of Top Ladies of Distinction, Inc., honoring Fathers and Mentors in Smith County. Commendation attached.

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

16. Northeast Texas Public Health District

Commissioners Court received into the minutes the Northeast Texas Public Health District Board Meeting minutes for February 26, 2009 and meeting agenda for March 26, 2009. Copies attached. No action.

17. Healthcare Plan Survey

Commissioners Court passed on agenda item number seventeen to discuss, consider and approve any and all action necessary to distribute internal healthcare plan survey to employees.

18. Report: Smith County Jail Inmate Status and Related Information
(Chief Bobby Garmon)

\$963,000.00 spent on budget.

827 Total Population, 675 Male, 152 Female

669 in Smith County Jail and 158 transferred to other counties.

48 Federal Prisoners, 2 scheduled to TDC, 29 paper ready.

29 parole violations and 64 parole violations with new charges.

71 total child support cases, 34 non-payment of child support and

37 child support with new charges.

Average stay for child support: 74 days.

5 open jailer positions

Copy of Jail Population Summary attached. No action.

Commissioners Court recessed open session at 9:55 a.m. and proceeded directly into Executive Session.

V. EXECUTIVE SESSION: To consult, receive and seek advice from attorney pursuant to Section 551.071 of the Texas Government Code.

19. Receive consultation and seek legal advice regarding possible need to consolidate precincts for the May election to satisfy the population requirements under Section 42.006 of the Election Code.
20. Receive consultation and seek legal advice regarding Secretary of State's recommendation for local option elections in JP Precinct #4 and Winona pursuant to Section 501.103 of the Election Code.

Commissioners Court recessed Executive Session at 10:11 a.m. and proceeded directly into Open Session.

VI. PUBLIC SESSION

21. Consolidating Precincts: May 2009 Election

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve consolidating precincts for the May county-wide Election pursuant to Section 42.006 of the Election Code. Copies attached.
Passed 5-0; Abstain: (None); Absent: (None).

22. Polling Location List: Pct. #4 Local Option Election

Motion made by Judge Joel Baker and seconded by Commissioner – Precinct 3 Terry Phillips to approve recommendation from the Secretary of State, including, but not limited to, amending polling location list for JP #4 local option election that it is in the best interest of the County and the voting citizens.
Copies attached.
Passed 5-0; Abstain: (None); Absent: (None).

VII. PUBLIC COMMENT

Commissioner Jeff Warr stated he attended the County-wide Interlocal Agreement Meeting in Bullard with Purchasing Director Kelli Davis.

VIII. ADJOURNMENT

Motion made by Commissioner – Precinct 3 Terry Phillips and seconded by Commissioner – Precinct 4 JoAnn Hampton that Commissioners Court adjourn.
Passed 5-0; Abstain: (None); Absent: (None).

Approved: J.B.K.
Chairman Commissioners Court

ATTESTED:
Judy Carnes, County Clerk
Smith County Texas

By: Deana Miller
Deana Miller, Deputy

