

JANUARY 28, 2019

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 28th day of January, A.D., 2019 at 9:00 A.M. came on to be had a Special 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
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	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 A.M. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum: None
- 5) County Correspondence: None
- 6) Precinct Cooperation/Coordination:

Burns commented that if/when the county gets the laydown machine he will need help with the Chico ISD parking lot located in Precinct No. 2.

- 7) The court TABLED action regarding approval of the Final Plat for Davie Estates, Lots 1-3, Block 1, located in Precinct No. 1 as no plat was presented for approval. (See attachment; Kimley-Horn and Associates, Inc. letter only)
- 8) The court TABLED action regarding approval of the replat for Las Brisas, Phase 1, Lot 1R, Block D, located in Precinct No. 2 as no plat was presented for approval. (See attachment; Kimley-Horn and Associates, Inc. letter only)

9) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Final Plat of Kambree Estates, Lots 1-5, Block 1, located in Precinct No. 2, as presented, granting variances for road frontage and drainage plan, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

10) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Final Plat of Grasslands Equestrian Living Addition, Lots 1-5, Block 1, located in Precinct No. 2, as presented, granting a variance on lot width for roadway, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

11) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve the Final Plat for Monroe Hill Estates, Lots 1-5, Block 1, located in Precinct No. 2, as presented, granting a variance on the drainage study, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

12) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the Final Plat of Greenhead Estates, Lots 1-4, Block 1, located in Precinct No. 3, as presented, including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

13) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the Final Plat for Wild Oaks, Lots 1-6, Block 1, located in Precinct No. 3, as presented, granting a variance for a drainage study, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

14) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Final Plat for Matagorda Addition, Lot 1, Block 1, located in Precinct No. 4, as presented, granting a variance for a drainage study, and including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

15) Clark told the court that County Engineer Chad Davis and Kimley-Horn and Associates, Inc. Professional Engineer Kyle Welden were present to present proposed updates to the Wise County Development Rules and Regulations (DRR) as recommended by the Development Rules Committee. Clark stated this item was on the agenda on January 14, 2019.

Welden presented additional updates to the DRR as follows:

- Updated definition for manufactured home rental communities to match the state's definition.
- Added the state's definition of a recreational vehicle.
- Included additional requirements for breach analysis and that language regarding breach analysis must be noted on the plat.
- Updates to the performance bond. Welden commented that the performance bond is still in the DRR and noted: "Added language that a Developer may file a Final Plat prior to

completion of the improvement in special or unique circumstances.” Welden also commented about the inclusion that the bond shall include a 20% contingency factor.

White asked if an Irrevocable Letter of Credit and Performance Bond is the same thing? Welden confirmed they are. Welden explained that both are covered at the same amount being the cost of infrastructure plus the 20% contingency for any rising cost.

White asked the court if they’re good with this item? Burns commented that prior to being on the agenda the commissioner must be comfortable with it (Irrevocable Letter of Credit or Performance Bond) before it goes on the agenda. White commented about the “special circumstances” and his concern about how the county will define it? Clark stated it will be up to the judgment of the commissioner and court when it is presented. Davis requested that weather not be considered a “special occasion” because that is part of doing business in construction. White commented that chip/seal is a lot of the window the county is having this because of the narrow window of time when that product can be laid. Burns discussed that the county can give developers some option if the county chooses to do so on a case-by-case basis.

Burns commented that the reasoning or variances can be up to the court. Clark compared this to commissioners’ discretion on granting variances on road frontage or drainage study variances. Clark continued that this language will set the standard for development.

The court discussed with Commissioners Court Attorney Thomas Aaberg about the Takings-Impact-Assessment. Aaberg discussed the 30-day notice for public hearing.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to set a public hearing for March 11, 2019 at 8:30 AM for discussion/comment regarding the proposed Wise County Development Rules and Regulations. (See attached updates; draft of Development Rules and Regulations in meeting file)

16) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to appoint Roger Guinn; David Turnbow; Robert Grantham; Kenny Hudson; and Larry Wayland to serve as the Wise County Emergency Services District #2 Board of Directors. (No attachment)

17) Donations: None

18) Bids:

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Allen to take a broken Taser from Constable Precinct No. 3 inventory (Asset #N00742) to Public Works to be destroyed. (No attachment)

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Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Burns to look for both a used diesel pickup and backhoe at auction. (No attachment)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve Kennedy's request to purchase one or more gooseneck trailers for hauling equipment via Ritchie Bros. Auctioneers or other auction. (No attachment)

19) Consent Agenda Item:

a) Department Head Reports:

- Wise County Investment Report for July 1, 2018 to September 30, 2018. (See attachment)
- Treasurer's Report for October 2018 (See attachment)

b) Budget Amendments: None

c) Capital Expenditure: None

d) Claims/Payroll:

Registers provided to court members (No attachment)

e) Utility Requests: None

f) Contracts/Interlocal Agreements:

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

- NCTCOG 911 (No attachment)
- Slidell ISD Trash Interlocal Agreement (No attachment)
- Fully Executed (list and attachments):
 - Collin County Inmate Agreement (See attachment)
 - Ritchie Bros. Auctioneers March 2019 Auction (See attachment)
 - Logmein (See attachment)
- Aaberg requested approval to send out the ad-valorem tax collection contracts so that Tax Assessor/Collector Monte Shaw can send the documents by February 1, 2019.

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

20) Project Agreements for Road Repair: None

21) Right-of-Way Improvements:

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Motion made by Lamance seconded by Kennedy and unanimously adopted by the Court to approve the right-of-way improvement requests as follows:

- Dab Brown property (CR 4698/CR 4793) in Precinct No. 3 to clear a blind corner with some fence replacement.
- John Dean property (CR 4790) in Precinct No. 3 move over 300' of fencerow and replace fence.
- Old Decatur Road/Old Alvord Highway (current owner unknown) on the west side of Old Decatur road to clean a ditch (corner of CR 2485 and Old Decatur Road) in Precinct No. 2.

22) Burn Ban: None

23) Committee Reports: None

24) Clark reminded the court of the UTGCD workshop at 1:30 PM at the Elections Administration building.

25) Clark adjourned the meeting at 9:29 AM, there being no further business to be had by the court.

Minutes approved this 25th day of February, 2019, as printed.

J.D. Clark
J.D. Clark, County Judge, Wise County

Danny White
Danny White, Commr. Pct. No. 1

Kevin Burns
Kevin Burns, Commr. Pct. No. 2

Harry Lomance
Harry Lomance, Commr. Pct. No. 3

Gaylord Kennedy
Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Ickson
Sherry Ickson, County Clerk and Ex-Officio Clerk of Commissioners' Court,



The Wise County Commissioners' Court adopted the *Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court* on February 28, 1994 and the rules have not been revised.