

COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
FRIDAY, JUNE 30, 2023
10:00 A.M. REGULAR SESSION

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, June 30, 2023 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present: Todd Tefteller – County Judge presiding,
 Gene Dolle – Commissioner Pct. #1,
 Dustin Nicholson – Commissioner Pct. #2,
 Mike Ashley – Commissioner Pct. #3,
 Jay W. Miller – Commissioner Pct. #4.

Judge Tefteller called the meeting to order at 10:01 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Dustin Nicholson.

2. Consider and take action on approval of:

- A. The minutes of the previous meetings;**
- B. Payroll changes;**
- C. Payroll;**
- D. Budget amendments;**
- E. Accounts Payable;**
- F. Accept for recording: Auditor reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Declaration of Local Disaster Due to the June 15, 2023 Wind Storm; Texas Realtors Commercial Lease between Cook Brothers Rentals and Upshur County; Limited Amendment of Cancellation Provisions for Fikes Wholesale, Inc.; ESD #1 Audit for FYE 2021; ESD #1 Audit for FYE 2022; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve items A-F.

Motion carried 5-0. Unanimous vote in favor.

(SEE ATTACHED)

3. Hear a presentation regarding the Declaration of Independence by Brandon Winn.

Brandon Winn gave a presentation regarding the Declaration of Independence.

4. Hear from William Rogers, citizen of Pct. 3 and discuss the stray animal problems in Upshur County.

William Rogers, citizen of Precinct 3, spoke regarding the stray animal problems that he has dealt with on his property and in his Precinct. He requested the Court to see if there is anything that can be done. He has reached out to several shelters and they are all full. He asked if there could even be a multi county meeting that can take place to seek answers to the problem.

5. Consider, discuss and take action ratifying and extending the Declaration of Local Disaster Due to the June 2023 Thunder, Rain and Wind Storm dated June 16, 2023.

Marc Nichols, Upshur County Emergency Services Director, suggested that the Court extend the Declaration currently in place. He provided the Court with what he has done and what he is doing to help the citizens from this disaster. Motion by Mike Ashley with a second by Jay W. Miller to extend the Declaration of Local Disaster Due to the June 2023 Thunder, Rain and Wind Storm dated June 16, 2023 to July 14, 2023 @ 10:00 a.m. Motion carried 5-0. Unanimous vote in favor.

6. Discuss and take action to enter into an Interlocal Agreement with the Cities of Big Sandy, Ore City and East Mountain concerning access to the Upshur County Sheriff's Office Mobile CAD system.

Sheriff Webb gave a brief presentation regarding the Upshur County Sheriff's Office Mobile CAD system. Motion by Gene Dolle with a second by Dustin Nicholson to enter into an Interlocal Agreement with the Cities of Big Sandy, Ore City and East Mountain concerning access to the Upshur County Sheriff's Office Mobile CAD system. Motion carried 5-0. Unanimous vote in favor.

7. Discuss and take action to approve the Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between ETCOG and Upshur County.

Motion by Mike Ashley with a second by Jay W. Miller to approve the Interlocal Agreement for E9-1-1 Public Safety Answering Point Services between ETCOG and Upshur County. Motion carried 5-0. Unanimous vote in favor.

8. Discuss and take action to approve and accept for recording the final plat of Dawn Estates.

Motion by Dustin Nicholson with a second by Jay W. Miller to accept for recording the final plat of Dawn Estates. Motion carried 5-0. Unanimous vote in favor.

11. Hear from the Road and Bridge Administrator concerning the storm cleanup and the current progress. Discuss and take necessary action.

Andy Jordan, Upshur County Road and Bridge Administrator, gave an update to the Court regarding what his department has been doing and plans to do regarding the storm cleanup.

10. Open bids for the Construction-Manager-as-Constructor (CMAC) for the Upshur County Courthouse Restoration. Discuss and take necessary action.

Judge Tefteller informed the Court that a bid packet from Phoenix Restoration and Construction, LLC was shipped via FedEx overnight on June 28th but not received on time to meet the deadline of June 29th @ 3:00 p.m. Mr. Rick Sacy was present and advised Judge Tefteller that it is at the Commissioners Court discretion as to receive this bid or not since the package was given to the carrier before the deadline. Motion by Dustin Nicholson with a second by Mike Ashley that the Court accept this bid from Phoenix Restoration and Construction, LLC to be included with the three other bids received. Motion carried 5-0. Unanimous vote in favor.

Bids were received and opened from the following companies:

- 1) JC Stoddard Construction;
- 2) Joe R. Jones Construction, Inc.;
- 3) Premier Commercial Group; and
- 4) Phoenix Restoration and Construction, LLC.

Commissioners were each given a copy of these bids for review to be discussed at the next regular court session. No action.

12. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 as indicated:

 Section 551.071 (consultation with attorney(s));

 A Section 551.072 (deliberation regarding real property);

 A,C,E Section 551.0725 (deliberation and discussion of contracts being negotiated);

 Section 551.073 (deliberation about gifts and donations);

 B,C,D,E Section 551.074 and 551.0745 (personnel matters);

 D Section 551.076 (deliberation about security audits or security devices).

TO WIT:

- A. Deliberation regarding contracts for facilities which may be used during the Courthouse renovation.
- B. Consider the damage caused to County roads by heavy equipment and mis-use by the

- public.
- C. **Consideration of contracts being negotiated for County IT Services.**
- D. **Discussion of personnel matters, i.e.**
 - i) **the placement of personnel during the Round XII Courthouse Renovation;**
 - ii) **road maintenance of County Roads (dis-patch and repair) including but not limited to Cherokee Trace damage;**
 - iii) **Courthouse Annex security;**
 - iv) **Courthouse re-location security.**
- E. **Discussion of bids for the CMAC position in connection with the Round XII Courthouse Renovation.**

The Court entered into CLOSED SESSION at 11:32 a.m.

14. The Court will re-convene into open session and take any action necessary as a result of Executive Session.

The Court re-convened into OPEN SESSION at 12:15 p.m.

9. Discuss and take action to approve the office assignment chart for the annex building.

Dustin Nicholson made a motion with a second by Jay W. Miller to approve the seating chart marked as Exhibit A and dated June 30, 2023 for the annex building as provided to the Court and to allow the Auditor's office and Judge Anthony Betterton to be appointed contact moving forward for any changes or anything that needs to be happening with the annex building and move. Motion carried 5-0. Unanimous vote in favor.

Judge Tefteller stated on the record that this can always be changed by this Court moving forward.

12. Hear any updates and discuss and take necessary action concerning the Round XII Courthouse Grant Renovation and/or the Courthouse employee relocation during the renovation.


Judge Tefteller made an announcement only that after looking at the bids from the four firms, each firm submitted a bid for exactly what the Court estimated the cost to be at \$12,297,233.33. The difference in the bids were the estimated time of completion. Phoenix Restoration and Construction, LLC estimated 733 days; J.R. Jones Construction estimated 600 days; Premier Commercial Group estimated 715 days; and J.C. Stoddard Construction estimated 620 days. The Court will study those bids and Mr. Rick Sacy with Komatsu Architecture will grade the bids and give the Court further advice. This matter will be further discussed at the next regular scheduled Commissioners Court meeting on July 14, 2023.

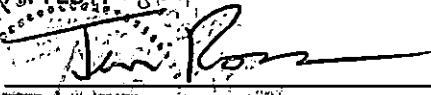
Dustin Nicholson advised the Court that he has spoken with Crimestoppers in regard to using

the portion of the Rock Building that they now occupy if needed for extra space during the Courthouse renovation. Crimestoppers is in agreement to moving if necessary. Dustin Nicholson made a motion with a second by Jay W. Miller that the County will occupy that portion of the Rock Building currently used by Crimestoppers for a section of time during the remodel and once the remodel is finished, Crimestoppers will take back that portion of the building. Motion carried 5-0. Unanimous vote in favor.

15. Adjourn.

Motion by Jay W. Miller with a second by Dustin Nicholson to adjourn the meeting. Meeting adjourned at 12:21 a.m. Motion carried 5-0. Unanimous vote in favor.



ATTEST


TERRI ROSS, UPSHUR COUNTY CLERK

Attendance sheet placed into minutes for recording purposes only.

Bills previously approved placed into minutes for recording purposes only.

Jury payroll placed into minutes for recording purposes only.