

COMMISSIONERS COURT MINUTES, REGULAR SESSION, APRIL 8, 2024

The Terrell County Commissioners Court met on Monday, the 8th day of April 2024, at 9:00 A.M. in the commissioner’s courtroom of the county courthouse in the city of Sanderson, Texas. Notices of the meeting place were timely posted at a site readily accessible to the general public at all times. They remained posted for at least seventy-two hours preceding the scheduled time of this meeting, in compliance with the Open Meetings Act.

The Hon. Dale Carruthers, County Judge, called the meeting to order. The following members of this Court and Officers of the County were present:

Hon. Adam Johnson	Commissioner Pct. 1
Hon. Lupe Garza	Commissioner Pct. 2
Hon. Arnulfo Serna	Commissioner Pct. 3
Hon. Gene Chavez	Commissioner Pct. 4

Hon. Raeline Thompson	County and District Clerk
Hon. Pamela Blaylock	County Treasurer
Hon. Kenneth Bellah	County Attorney
Absent	County Sheriff
Carl Esser	Esser & Company Consulting, LLC
Sam Poorman – Zoom	Silverado Ranch Subdivision

Commissioner Johnson gave the Invocation and led the commissioner’s court in the Pledge of Allegiance to the United States flag, followed by the Pledge of Allegiance to the Republic of Texas Flag.

Public Comments on Agenda Items – None

Minutes from previous meetings – Commissioner Serna motioned to approve the minutes on February 12, 2024, Regular Session; March 11, 2024, Regular Session; March 11, 2024, Public Hearing and March 18, 2024, Special Session. Commissioner Garza seconded the motion calling for a vote; Commissioner Johnson abstained; four members answered “aye,” and the motion carried.

Opening a Bank Account for CDBG CDV 23-0095 Senior Citizen Center Project – Commissioner Johnson motioned to open a bank account for CDBG CDV 23-0095 Senior Citizen Center Project and have Hon. Blaylock and Hon. Thompson as the signers. Commissioner Serna seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

Opening a Bank Account for CDBG CFC 23-0094 Generators and Water Line Project - Commissioner Johnson motioned to open a bank account for CDBG CDV 23-0094 Generators and Water Line Project and have Hon. Blaylock and Hon. Thompson as the signers. Commissioner Serna seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

Report on CDBG CFC 22-0099 Waterline Project by Esser & Company Consulting, LLC – Mr. Carl Esser reported on the CDBG CFC 22-0099 Waterline Project, he stated that Frontier Development, Inc. is 68% completed. Frontier Development, Inc. is at HWY 90 moving toward the well, and the line waterlines might be ready in 30 days. No Action.

Change Order No. 1 for CDBG CFC 22-0099 Waterline Project – Commissioner Chavez motioned to add a 6% increase in the contract with no additional cost to the County (\$15,523.53 left over) for the additional pipes and valves \$51,976.50. Commissioner Serna seconded the motion calling for a vote; all members answered “aye,” and the motion carried.



Construction Contract Change Order

A505

Grant Recipient: Terrell County Select: City County
 Contract No.: CFC22-0099 Change Order No.: 1 Region: PERPC

Contractor:

Frontier Development
 4896 FM 2314
 Hallettsville, TX 77964

Engineer:

Burgess & Niple, Inc
 9601 Amberglen Blvd Ste 275
 Austin, TX 78729

Select Change Order Type(s): Change to Existing Line Items New Items Requested Change in Contract Duration

Grant recipient is requesting Texas Department of Agriculture review to determine eligibility of change order expenses.

Changes to Existing Line Items (Items from original bid or added in previous change order ONLY)

Bid Item #	Item Description	Original Qty.	Proposed Qty.	UOM	Unit Price	Δ Qty.	Change in Contract Price	+
2	Furnish and install 6-inch C900	11,260	11,660	LF	\$39.00	400	\$15,600.00	-
5	Furnish & install full depth cold	1,800	2,030	SF	\$28.00	230	\$6,440.00	-
7	Furnish & install poly wrapped	0.85	1.0845	TON	\$37,000.00	0.2345	\$8,676.50	-
8	Furnish & install six (6) inch gate	11	17	EA	\$3,980.00	6	\$23,880.00	-
10	Furnish & install 1-inch service	12	13	EA	\$2,400.00	1	\$2,400.00	-
11	Furnish & install six (6) inch flus	4	5	EA	\$10,000.00	1	\$10,000.00	-
9	Furnish & install three (3) inch gate	1	0	EA	\$21,600.00	-1	(\$21,600.00)	-
Contract Change Sub-Total:							\$45,396.50	

New Items Requested (Items WITHOUT a unit price in the original bid)

Provide explanation below (attach separate documentation as appropriate). The Grant Recipient must demonstrate competitive pricing for new items.

Bid Item #	Item Description	Original Qty.	Proposed Qty.	UOM	Unit Price	Δ Qty.	Change in Contract Price	+
	2" Saddle Tap & Valve		2	EA	\$3,290.00	2	\$6,580.00	-
Contract New Item Sub-Total:							\$6,580.00	

Justification for Change

	Increase	Decrease	No Change
1. Effect of this change on scope of work:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Effect on operation and maintenance costs:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yes	No	Not Applicable
3. Will this Change Order change the number of beneficiaries or TxCDBG contract Performance Statement Exhibit A?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Has this change created new circumstances or environmental conditions which may affect the project's impact, such as concealed or unexpected conditions discovered during actual construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Is the TCEQ clearance still valid?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are other TxCDBG contractual special condition clearances still valid?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. If new items are included that were not included in the competitive bid, have the prices been determined to be reasonable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Grant Recipient: Terrell County Contract No.: CFC22-0099 Change Order No.: 1

This form required as of September 1, 2020.
 All previous versions no longer valid.

Change Order Summary

Original Contract Price:	\$787,500.00	Original Contract End Date:	
Net Previous Change Order(s):	\$0.00	Net change of previous Change Orders (days):	
This Net Change Order:	\$51,976.50	Increase/Decrease of this Change Order (days):	
New Contract Price:	\$839,476.50	Change Order Contract End Date	
Cumulative % Change:	6.60%		

NOTE: Change orders for an increase of more than 25% will be rejected. The State of Texas considers a change in the construction contract price of greater than 25% to be non-competitive, as other potential bidders did not have the opportunity to bid on the true scope of the project during the procurement process. Grant Recipient must rebid project in the event of an increase greater than 25%.

Grant Recipient Approval (REQUIRED)

This change order is greater than \$50,000, by signing, the above signature represents evidence that approval from the governing body has been obtained by the County. See Local Govt. C, §252.048 [city] or §262.031 [county].

Authorized Signature	Date

Dale Carruthers, County Judge

Authorized Signatory's Name and Title

Engineer's Recommendation

Engineer's Signature

Date

James Busby, P.E.

Engineer's Name

Contractor's Authorization

Contractor's Signature

Date

William Wallace, President

Contractor's Name and Title

To receive an email copy of the TDA response, provide contact information below

Name	Email	
		+
		-

For TDA office use only

This Net Change Order: Increase/decrease of this Change Order (days):

Net Change Order Approved: Increase/decrease of this Change Order Approved:

Approved Contract Amount: Approved Contract Time:

Notes:

Contract Specialist Signature

Date

Grant Recipient: Terrell County

Contract No.: CFC22-0099

Change Order No.: 1

This form required as of September 1, 2020.

All previous versions no longer valid.

Director Signature (optional)

Date

This form required as of September 1, 2020

Grant Recipient: Terrell County Contract No.: CFC22-0099 Change Order: 1 All previous versions no longer valid.

BURGESS & NIPLE

9601 Amberglen Boulevard | Suite 275 | Austin, TX 78729 | 512.306.9266

MEMORANDUM

March 27, 2024

To: TDA CDBG

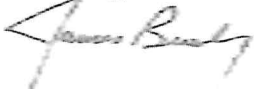
From: James Busby, P.E., Burgess & Niple, Inc.

RE: Change Order #1 Materials Change Terrell County Waterline CFC22-0099

This letter is regarding the first change order proposed for the Terrell County CDBG Colonia Grant No. CFC22-0099 Water Main project in Sanderson, TX.

Due to unexpected field conditions, Frontier Development was instructed to replace two service line connections along Downie St. with two, 2-inch saddle tap and valve assemblies to match similarly sized existing connections. The connections at the Amtrack Station and Senior Center were incorrectly shown on utility drawings as 3" and 1" respectively. Frontier Development has provided a price of \$3,290.00 for the 2-inch saddle taps. From our review of other installation costs in Frontier's bid, prices from other bidders, and prices from similar projects found on CivCastUSA, Frontier's proposed price for the change order line item is reasonable.

Kind regards,



James Busby, P.E.

Cc: Dale Carruthers, Terrell County Judge
Carl Esser, Grant Consultant

B&N

burgessniple.com

Agreement Number CFC22-0099

Exhibit B

Budget

A. Approved Budget

1. It is understood and agreed that the total amount of funds under this award shall be used for the Project Outlined in this Agreement. Grant Recipient shall expend funds under this award in accordance with The approved budget specified herein. All Project-related expenses must be reasonable and necessary.
2. The Department may require a more detailed budget breakdown than the one contained herein, and Grant Recipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Department.
3. Any amendments to the Project Budget must be approved in writing by both the Department and Grant Recipient.

HUD Activity	Awarded Amount
03J	\$855,000.00
Engineering	\$85,000.00
Admin	\$60,000.00
Total Grant Awarded	\$1,000,000.00
Committed as Match	\$20,000.00 <i>Esser</i>
Match Ratio	2.00%

B. Pre-Award Costs

The Department may reimburse allowable administrative and engineering expenditures made by Grantee prior to the effective date of the Agreement if incurred after 7/15/2022, and if Grantee complied with all requirements for the release of such funds.

ORDER PROHIBITING CERTAIN FIREWORKS
IN UNINCORPORATED AREAS OF TERRELL COUNTY, TEXAS

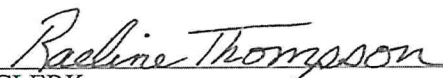
WHEREAS, the Commissioners Court of Terrell County has determined that the normal danger of fire in the unincorporated areas of Terrell County is greatly enhanced by the extremely dry conditions now existing;

NOW, THEREFORE, the Commissioners Court of Terrell County adopts this Order prohibiting the sale or use of restricted fireworks in the unincorporated areas of Terrell County beginning May 1st-Midnight, May 5th, 2024.

- A. A person may not sell, detonate, ignite, or in any way use fireworks classified as “skyrockets with sticks” under 49 C.F.R. part. 173.100(r)(2)(10-01-86 edition) or missiles with fins in any portion of the unincorporated areas of Terrell County.
- B. This order does not prohibit “permissible fireworks” as authorized in Occupations Code Section 2154.003(a).
- C. A Person commits an offence if the person knowingly or intentionally violates a prohibition established by this order. An offense under this order is a Class C. Misdemeanor.

APPROVED this the 8th day of April 2024, by the Terrell County Commissioners Court.


COUNTY JUDGE

Attest: 
CLERK

DEPUTY CLERK



Opening the Swimming Pool from May 21, 2024, through August 3, 2024, and hiring Lifeguards for the summer – Commissioner Johnson motioned to open the swimming pool from May 21, 2024, through August 3, 2024, and hire lifeguards for the summer. Commissioner Chavez seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

List of Bills, Ratify Bills, and Other Bills – Commissioner Serna motioned to approve the list of bills, ratify bills, and other bills. Commissioner Johnson seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

RATIFIED BILLS	\$	34,453.19
SHERIFF’S DEPARTMENT	\$	41,331.64
ROAD & BRIDGE	\$	1,428.19
EMS	\$	1,057.12
COUNTY & DISTRICT CLERK	\$	7,000.86
COURTHOUSE BILLS	\$	27,738.43
TREASURER	\$	350.00

Payroll and Utility bills not yet received - Commissioner Serna motioned to approve payroll and utility bills not yet received. Commissioner Johnson seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

Amendments and Transfers – Commissioner Serna motioned to transfer \$9,909.00. Commissioner Chavez seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

Monthly Reports – Commissioner Serna motioned to approve the monthly reports. Commissioner Johnson seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

Sheriff's Department
 Treasurer's Investment Report and monthly report

None
 March

Accounts:

Interest Earned

General Fund	\$472,190.65		\$2,455.74
Outstanding checks not yet cashed	\$19,768.78		
Lonestar Investments	\$720,000		\$3,329.71
County CD	\$200,000		
TexPool	\$6,425.05		\$4.06
total for all county General Fund money	\$1,378,846.92	total interest	\$5,789.51

Grants:

Bills To be Paid

Money received

OLS	\$39,781.64	\$637,061.13
OPSG		\$16,603.16
LBSP		

Ratified:

Reliant	\$6,463.83
Water	\$922.35
Quarles	\$5,876.34
CitiBank	\$6,073.18
Verzion	\$763.28
Big Bend Telephone	\$2,943.67
W&W Trucking	\$18,017.00
Lone Star Copiers	\$230.50
Dial Tone	\$0.42

Home Depot

Bills for March Court

\$11,338.08

Total for bills and Ratifies

\$52,628.65

Payroll for March

Both payrolls	\$90,323.21
Both IRS	\$28,896.06
TCDRS	\$10,889.92
Total for the month	\$130,109.19

Reimbursement to County

SB 22

Sheriff's Department	\$250,000.00	\$23,792.78
Prosecution	\$100,000.00	

Total
 Animal Control

\$350,000.00
 Verbal Mark Nash-Ford

Justice of the Peace	March (Both)
County & District Clerk	March
EMS	March
Road & Bridge	March
Senior Citizens Transportation	March
AgriLife Extension	March
Museum & Historical Commission	None
Terrell County Library	Verbal Mark Nash-Ford
Visitor Center	None
Sanitation	None
Clinic Report	March
Volunteer Fire Department	March
Airport Report	March
Food Pantry	March

Adjourn - Commissioner Chavez motioned to adjourn. Commissioner Serna seconded the motion calling for a vote; all members answered “aye,” and the motion carried.

/s/ Raeline Thompson

Raeline Thompson, County Clerk, and Ex-officio Clerk
Terrell County Commissioners Court

ORDER TO APPROVE MINUTES OF REGULAR SESSION

The above and preceding minutes of the meeting held on April 8th, 2024, are now approved (as amended this _____ day of _____ 2023) as presented IN OPEN COURT this 13th day of May,

Dale Carruth Presiding Officer

Attest: Raeline Thompson County Clerk

