**1. APPROVAL OF MINUTES**: Approval of the minutes from the January 28th, 2013, Potter County Commissioners’ Court meeting.

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MOTION was made by Commissioner Murguia: I make a motion that we accept the minutes as presented.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote.

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**2. VOUCHERS**: To consider and act upon the approval of the payment of vouchers processed by the County Auditor’s office for the period of January 24th, 2013, through February 6th, 2013. [Hood]

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Commissioner Kelly, Judge Pro Tem, referenced Vouchers Nos. 146580-146907 and wire #146-149 in the amount of $1,717,562.64.

MOTION was made by Commissioner Church: I move we approve the vouchers.

SECOND for discussion was made by Commissioner Murguia.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**3. TAX REFUNDS**: To consider and act upon refunds of over-payment of taxes. [Aylor]

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MOTION was made by Commissioner Murguia: I move that we accept the refunds of over-payment of taxes.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**4. INSURANCE REPORT**: To recognize the insurance report. [Holland]

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Insurance Report so recognized. See Documentation

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**5. RACIAL PROFILING REPORT AND PROOF OF TEXAS PEACE OFFICER LICENSE FOR CONSTABLES, PRECINCT 1 AND PRECINCT 3:** To recognize the racial profiling report and proof of Texas Peace Office Licenses for Darryl Wertz, Constable, Precinct 1 and Mike Duval, Constable Precinct 3. [Wertz, Duval]

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Mike Duval, Constable Precinct 3, gave explanation to Commissioners’ Court.

Racial Profiling Report and Proof of Texas Peace Officer Licenses so recognized.

See Documentation

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**6. TEXAS PEACE OFFICER LICENSE**: To recognize the Texas Peace Officer License for Idella Thompson Jackson, Constable, Precinct 4. [Jackson]

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Idella Jackson, Constable Precinct 4, gave explanation to Commissioners’ Court.

Texas Peace Officer License so recognized. See Documentation

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**7. CENTER CITY-HIGH NOON ON THE SQUARE:** To consider and act upon a request from Beth Duke, Executive Director of Center City, to use the courthouse lawn for High Noon on the Square beginning in June, 2013. [Duke]

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Beth Duke, Executive Director of Center City of Amarillo, made request to Commissioners’ Court.

MOTION was made by Commissioner Church: I move that we accept this proposal and host the High Noon on the Square.

SECOND was made by Commissioner Murguia.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**8. EMINENT DOMAIN-NOTICE TO COMPROLLER:** To recognize delivery of letter to Texas Comptroller of Public Accounts asserting the county’s eminent authority and identifying each provision of law granting the countythatauthority, as required by Section 2206.11 of the Texas Government Code (as added by Senate Bill 18, 82nd Regular Session) [Overstreet]

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Report of Eminent Domain so recognized. See Documentation

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**9. RESOLUTION-VICTIM ASSISTANCE PROGRAM**: To consider and act upon authorizing Judge Ware or pro-tem to execute an application for federal assistance to be submitted to the Office of the Governor, Criminal Justice Division, for the continuation of the Victim Assistance Program of Potter County. [Loveday]

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Brenda Loveday, Victim Assistance Program, gave explanation to Commissioners’ Court.

MOTION was made by Commissioner Murguia: I make a motion that we authorize Judge Ware to execute the application for federal assistance.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**10. PALO DURO BOWHUNTERS CLUB-LEASE OF PROPERTY:** To consider and act upon renewing the lease with Palo Duro Bowhunters Club. [Kemp]

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Tim Gruver, Director, Palo Duro Bowhunters Club, gave explanation to Commissioners’ Court.

MOTION was made by Commissioner Kelly: I make a motion that we renew the lease for five years at $100 a year.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**11. COMMISSIONERS COURT RULES OF PROCEDURE:** To discuss Rules of Procedure, Conduct and Decorum as presented by Commissioner Church and to take any action necessary. [Church]

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**12. AWARD OF INFORMAL BID:** To consider and act upon the award of Informal Bid #1-65-13 Moving Services to the lowest and best bid. [Harder]

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Commissioner Kelly noted the correction to the Informal Bid number which should be #1065-13.

Knoxie Mathes, Elections Administrator, spoke before Commissioners’ Court.

Debbie Horn, Justice of Peace Pct. 1, spoke before Commissioners’ Court.

Mike Head, Facilities Maintenance Director, spoke before Commissioners’ Court.

MOTION was made by Commissioner Church: I move that we accept this Informal Bid 1065-13.

SECOND was made by Commissioner Kelly.

AYES: Commissioners Kelly, Church, and Vaughn.

NOES: Commissioner Murguia.

Motion carried by 3-1 vote. See Documentation

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**13. ROAD AND BRIDGE**: To consider and act upon purchasing a 2013 Ford F-350 Crew Cab 4x2 cab and chassis to replace a 2005 Ford F-250, PC#16858, that is in need of major repairs and to authorize a budget transfer of $23,400 from Road Repair Supplies to Capital Equipment. [Cumpston, Church]

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Sebastian Ysaguirre, Road and Bridge, gave explanation to Commissioners’ Court.

MOTION was made by Commissioner Murguia: I move to approve the purchasing of a 2013 Ford F-350 replacing a 2005 Ford F-250, PC #16858, to come from the budgeted funds Road Repair and Supplies.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**14. EQUIPMENT PURCHASE**: To consider and act upon the purchase of Time Clock Plus software in the amount of $22,126.00 using the TCPN cooperative purchasing contract, contingent on the County Attorney’s Office and Purchasing negotiating an acceptable End License User’s Agreement. Funds are budgeted in the 2012/2013 fiscal year. [Overstreet, Harder]

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MOTION was made by Commissioner Kelly: I make the motion to approve.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**15. CONSTABLE VEHICLE DECAL DESIGNS**: To consider and act upon approving vehicle decal designs for Constable Precinct one and four. [Wertz, Jackson]

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Idella Jackson, Constable Precinct 4, and Darryl Wertz, Constable Precinct 1, gave explanation to Commissioners’ Court.

MOTION was made by Commissioner Church: I move we approve the vehicle decal designs for Constables 1 and 4.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**16. WRECKER SERVICES**: To consider and act upon:

a. Cancelling current rotation contract.

b. Award Informal Bid #1064-13 to T-Miller Wrecker service the best evaluated proposal for wrecker services. [Harder, Thomas]

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Sheriff Thomas spoke before Commissioners’ Court.

MOTION was made by Commissioner Kelly: I make a motion that: A - We cancel the current rotation contract and B - That we award Bid #1064-13 to T-Miller.

SECOND was made by Commissioner Church.

AYES: Commissioners Kelly, Church, and Vaughn.

NOES: None.

ABSTAIN: Commissioner Murguia.

Motion carried by 3-0-1 vote. See Documentation

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**17**. **UTILITY EASEMENT-SOUTHWESTERN PUBLIC SERVICE (SPS)-BIVINS STADIUM SOUTH PARKING LOT**: To consider and act upon granting a utility easement to SPS on the Tri-State Fairgrounds to allow AISD to upgrade power service to an elevator located at Bivins Stadium, [Kemp]

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Passed.

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**18. POTTER COUNTY PROJECTS:** To hear a report on various Potter County Projects and to take any action necessary. [Head]

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Mike Head, Facilities Maintenance Director, gave Potter County Projects report.

Commissioner Kelly referenced the following items requiring action: Approve Change Orders 1&2; give authorization to Mike Head to sign Change Orders; Budget Amendment to transfer $8,517.00 from Contingency account to cover the cost of Change Order #2.

MOTION was made by Commissioner Kelly: I so move.

SECOND was made by Commissioner Vaughn.

AYES: Commissioners Kelly, Murguia, Church, and Vaughn.

NOES: None.

Motion carried by 4-0 vote. See Documentation

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**19. EXECUTIVE SESSION-PENDING LITIGATION:**

a. To hold an executive session to consult with the county attorney regarding the settlement of liquidated damage and retainage claims on the Potter County Courthouse project, pursuant to Texas Government Code, Section 551.071 allowing a governmental body to conduct a private consultation with its attorney about a settlement offer.

b. To take any action appropriate after the executive session.

Passed.

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**20. EXECUTIVE SESSION-REAL PROPERTY-BIVINS STADIUM PARKING LOTS:**

a. To hold an executive session to deliberate the purchase, exchange, or value of real property where deliberation in open meeting would have a detrimental effect on the position of the County in negotiations with a third person, pursuant to Section 551.072, Tex. Gov. Code.

b. To take any action appropriate after the executive session. [Kemp]

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Passed.

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**21. JAIL REPORT**: To hear a report on the Potter County Detention Center and to take any action necessary.

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Jail population of 503 was given by Commissioner Kelly, Judge Pro Tem.

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**22. COUNTY INSURANCE ITEMS**: To consider and act upon any insurance claims, accidents, etc. against the county.

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No insurance items presented.

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**23.** **EXECUTIVE SESSION**: To hold an executive session, if necessary, on the above agenda items as allowed by Chapter 551, Texas Government Code.

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No additional Executive Session taken.

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**24. AGENDA ITEMS**: To receive agenda items for the next Commissioners’ Court.

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No agenda items requested.

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Commissioner Kelly, Judge Pro Tem, adjourned the Potter County Commissioner=s Court until 9:00 a.m., Monday, February 25, 2013, in the Potter County Commissioners= Courtroom at 500 S. Fillmore, Room 106, Amarillo, Texas.

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I attest that the above proceedings are the true and correct notes/minutes taken in my capacity as ex-official for the Commissioners’ Court of Potter County.

Signed this the 11th day of February, 2013.

Julie Smith, Potter County Clerk

By: Stephnie Menke , Deputy