JANUARY 11, 2016

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 11th day of January, A.D., 2016 at 9:04 A.M. came on to be had a Regular Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Jury 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 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 9:04 AM. All court members were present.

2) Pledge of Allegiance

3) Moment of Silence

4) Community Forum: None

5) County Correspondence:

Clark reminded the court of the Wise County Council on Alcohol and Drug Abuse annual luncheon to be held Monday, February 29, 2016 at 12:00 PM at the First United Methodist Church in Decatur. All court members are invited to attend.

6) Coordination/Cooperation between precincts:

White stated Precinct No. 1 will pave the 911 Addressing facility parking lot on FM 51 S on Wednesday January 13, 2016.

7) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Replat of LP Subdivision, Lots 12R1, 12R2 and 12R3 located in Precinct No. 4,

including a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

8) Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the Replat of Platinum One Addition, Lots 1R, 2R1R and 2R2R located in Precinct No. 3 with a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

9) County Engineer Chad Davis stated the list is the same CETRZ list of projects and the county has been reimbursed for CR 3540 and Dillavou Lane. Davis stated the only change is that he's "bumped up" the Hickory Street and CR 4511 projects on the list of priority. Davis continued that $100,000.00 was put toward the Hickory Street project and removed it from the CR 4511 project. Davis explained that when the allotted money is gone it's gone and if one project's cost goes over the amount allotted it will pull from lower priority project funding. White confirmed that the county has to have TxDOT approval on these changes. Davis stated he doesn't know if the county does but requested court permission before changing priority of projects among precincts.

County Auditor Ann McCuiston stated she doesn't feel comfortable making the changes until the TxDOT approves it. McCuiston and Davis agreed that it was much cleaner record keeping.

White stated he will have excess money on CR 4530 ($400,000.00 allotted) and requested to put some of it to CR 4511. White told Davis he will get with Davis regarding this.

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize County Engineer Chad Davis to send the amended prioritized list of CETRZ projects to TxDOT for approval. (NO attachment signed or provided at court.)

10) Clark stated the proposed order stems from the new "Open Carry" law. Clark stated this has been discussed between Clark, Commissioners Court Attorney Thomas Aaberg and County Attorney James Stainton. Clark stated the open carry law doesn't impact the county any differently because of Texas Penal Code 46.03 which prohibits weapons in a court facility. Clark stated other county buildings are not impacted by this statute.

Clark said it was recommended for the court to create an order clarifying facilities in which weapons remain prohibited due to their nature as court-essential facilities.

Clark read the attached order and attachments to said order signed by 271st Judicial District Judge Fostel; County Court at Law #1 Judge Cude; County Court at Law #2 Judge Wren; County Judge Clark; Justices of the Peace 1-4 Morrow, Johnson, Hays and Poynor.

Clark noted the following locations essential to the operation of the courts in the Wise County Courthouse, County Court at Law #2 and Justice Courts:

- All courtrooms

- All judge's chambers and offices
- All jury rooms
- All offices related to the administration of the courts
- District Clerk's Office
- Restrooms (which are used by jurors, parties, inmates, witnesses and attorneys)
- All hallways, stairwells, elevators, or common areas in the Wise County Courthouse used to access any of the foregoing; or used as a waiting area for parties, witnesses or jurors, or used to transport inmates
- Adult Probation and Juvenile Probation buildings
- Court Department of the Wise County Clerk's Office in the Records Building
- County Court at Law #2 courtroom
- Judge's chamber/office
- Court Clerk's office
- Restrooms (which are used by jurors, parties, inmates, witnesses and attorneys)
- All hallways or common areas in the Wise County Courthouse used to access any of the foregoing; or used as a waiting area for parties, witnesses or jurors.
- All JP courtrooms
- All judge's chambers/offices
- JP Court Clerk Offices
- Restrooms (which are used by jurors, parties, inmates, witnesses and attorneys)
- All hallways or common areas in the Wise County Courthouse used to access any of the foregoing; or used as a waiting area for parties, witnesses or jurors.

Clark noted the County Clerk's building is unusual that it is divided with the court department downstairs and the property/vital records department is upstairs. Clark stated it can't be said that the whole building is off limits to weapons but the court department is off-limits. Clark stated he has discussed this with Lemon.

Motion made by Burns seconded by White and unanimously adopted by the Court to adopt the "Order of the Commissioners Court of Wise County, Texas, Clarifying Facilites in Which Weapons Remain Prohibited Due to Their Nature as Court-Essential Facilites", as presented. (See attachments)

Kennedy asked about signage at the Wise County Courthouse Annex at Bridgeport? Clark clarified this for both Precinct 3 and 4 annexes.

Clark noted that, as County Judge, he can issue an order under statute for courthouse employees to carry a handgun with proper handgun licensing.

11) Clark reported to the court about the status of the Texoma Area Paratransit System (TAPS) organization. Clark stated that there were significant changes over the last week and stated that TAPS is in a bind, has immense debt and has had gross mismanagement.

Clark stated there were lay-offs in early November 2015 and TAPS has not paid those employees that were laid-off. Clark stated that this is unacceptable. Clark stated the organization has been creating new payroll and the laid-off employees can't be paid while the organization is operational and accruing new liabilities. Clark stated the board met on January 6, 2016 and decided to suspend all TAPS services in Clay, Montague, Wise, Cooke, Fannin, and Grayson counties (and urbanized area of Sherman) as soon as possible but no later than January 18th for ninety days.

Clark stated Wise County service will be provided by PTS transit that services Parker and Palo Pinto Counties. Clark stated emergency service coverage will be provided during the suspension and that PTS will use TAPS vehicles and drivers (if the drivers wish to drive for PTS). Clark discussed user process for obtaining services via PTS.

Clark stated, during the 90-day suspension TAPS core office staff will remain intact with cost covered by TxDOT. Clark stated that TxDOT is giving the money that would have gone to TAPS to the other organizations that are providing the services of TAPS during the 90-day suspension. Clark also stated that Wise County is the only TAPS county in the NCTCOG and NCTCOG is allocating $30,000.00 to Wise County to ensure that no transit services are interrupted.

Clark stated TxDOT is performing an audit of TAPS at the request of the board to determine what has been going on. Clark stated TxDOT found $930,000.00 in undocumented reimbursements to TAPS and stated this is poor management on TAPS part. Clark stated the staff has found about $700,000.00 worth of invoices that weren't submitted for said reimbursements.

Clark stated the board is working on a recovery plan to meet requirements of federal transit administration and finalize an agreement with the IRS. Clark stated TAPS had not been making IRS payroll tax payments and owes approximately $1.1 million in payroll taxes. Clark stated the board will consider a restructuring that may make some big changes in management operational services. Clark stated the board is meeting bi-weekly.

Clark stated there is no action needed on this item. Clark stated that PTS doesn't need to tap the NCTCOG funds yet because TxDOT is covering those funds. Clark stated that if/when that happens NCTCOG may want the court to draft a resolution of support of such actions.

12) Donations:

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to accept the following donations with the court's thanks:

Friendship Cemetery $500.00 to Fund 77
Lone Star Cemetery $400.00 to Fund 77
Mr. and Mrs. Steve Kockos $50.00 to Veteran Services

13) Bids:

Motion made by Burns seconded by White and unanimously adopted by the Court to rescind the following motion dated September 28, 2015:

Motion made by Burns seconded by White with Lamance voting aye to authorize Asset Control Officer Diana Alexander to advertise for bids for the purchase of a used backhoe for Public Works <u>or</u> to utilize an auction for the purchase based on available capital expenditure funds.

Asset Control Officer Diana Alexander stated that Public Works Director Tom Goode will not purchase the equipment at this time.

Alexander clarified the skidsteer for Precinct No. 2 that was approved for purchase via Buyboard was actually purchased through Houston-Galveston Area Council (HGAC).

Davis discussed full depth reclamation as no bids were received on Bid No. 16-611-021 for full depth reclamation process. Davis stated that re: CR 4511 in Precinct No. 1 a contractor called him because it was a lump-sum bid and the contractor requested specifics. Davis updated the specifications and an estimate/quantity sheet and stated the court may wish to re-advertise for bids.

Motion made by White seconded by Burns and unanimously adopted by the Court to advertise for bids for full depth reclamation services, as presented. (See attachment)

Alexander stated that Sheriff J.W. Johnson and WCSO Chief Deputy Kevin Benton will discuss Bid No. 16-568-020 for the ½ ton trucks. (See attachments)

Benton stated the low bid is Grapevine Dodge, Chrysler, Jeep for $25,460.00 and the second lowest is Prestige Ford for $26,400.00. Benton requested to go with the Ford product as this brand has held up better and longer than the Dodge products purchased in the past.

Benton provided the following documents for court record:

- WCSO Vehicles (See attachment)
- Current WCSO Vehicle Budget (See attachment)

Benton stated the vehicles on the sheet titled "WCSO Vehicles" are high-mileage vehicles that the department would want to rotate out and replace with new vehicles. Benton stated the three vehicles listed at the bottom are totaled because of an accident, hail damage and (F-150) damaged motor ($4,000.00 to change the motor). Benton discussed the cost required to maintain the 2011 Charger (126652 miles) and stated it would most likely rotate out of the fleet before the 2009 Tahoe (197323 miles) because of maintenance cost.

Clark asked Benton if the list of WCSO vehicles includes the five (5) approved for purchase at the last meeting? Benton stated it does not and will be reviewed on the next sheet.

Benton reviewed the page titled "Current WCSO Vehicle Budget"

- $379,750.00 annual allotment through capital expenditures
- Five new vehicles originally discussed to go to patrol. Now changed to three to patrol and two to transport. Total expenditure (vehicle and equipment) $227,510.00 with a remaining budget of $152,240.00.

Benton stated he and Johnson have discussed that neither wants to have the newly elected Sheriff come into office with no budget. Benton stated that they would not ask for more patrol vehicles at this time.

Benton requested a new administrator vehicle and provided cost estimate from Buyboard. Benton estimated between $35,377.00 and $35,500.00 with equipment estimated at $2,952.00. Benton stated this will leave a remaining budget between $113,911.00 and $114,000.00.

Benton told the court the department has approximately $40,000.00 in insurance fees that will not be expended to repair cars. Benton stated there were numerous vehicles damaged by hail and those will be rolled off with the purchase of the five new vehicles. Benton stated there should be another $19,000.00 off of the totaled Ford SUV ($20,000.00 less a $1,000.00 deductible.) Benton requested the court authorize the insurance funds be held over for the WCSO to utilize the funds. Benton requested to use insurance funds to purchase one of the ½ ton pickups (Bid No. 16-568-020) and move it to CID since the department is down two CID vehicles.

Benton requested that funds from the sale of old vehicles roll over to the WCSO to fund vehicle repairs, etc. Benton stated last year the department was able to purchase one new vehicle along with impound money.

Alexander stated the Grapevine Dodge, Chrysler Jeep vehicle ($25,460.00) didn't meet all specifications (seating 40/20/40 bench seat no full console). Alexander stated the Prestige Ford vehicle ($26,400.00) didn't meet all specifications (23 gal tank; $26,750.00 for 36 gal tank all terrain tires not available). Alexander stated the next lowest bid that did meet all specifications except for all-terrain tires was Jim Bass Ford ($26,471.00).

Clark asked if the five SUVs authorized for purchase at the last meeting will replace five from Department 565 on the first page? Benton stated it will. Benton stated as the department replaces the vehicles it will sell what it replaces.

Clark asked Benton how many vehicles and deputies needing vehicles are at the WCSO? Benton estimated 90 vehicles and 62 deputies assigned to vehicles. Clark asked if anyone is without a vehicle? Benton stated the Sheriff is without a vehicle.

Benton stated former Sheriff David Walker requested a stipend for himself and Benton in lieu of purchasing administrator vehicles and that was not approved. Benton stated Walker was driving a Special Services vehicle and Benton was driving a Ford Expedition (120,000 miles). Benton stated he has the pickup and the Ford Expedition is earmarked for a K-9 unit and SRO vehicle. Clark asked why these were shuffled if it created a hole in administrator vehicles? Benton stated no administrator vehicles were purchased and the Sheriff's vehicle was moved to the Special Services lieutenant because the lieutenant's vehicle was sold.

Kennedy and Clark confirmed the purchase of the five SUVs and this request is in addition to the purchased vehicles.

Kennedy confirmed the request today is to purchase on pickup and one SUV. Benton confirmed the vehicles with the most maintenance cost will be rotated and sold from the fleet.

Clark asked County Auditor Ann McCuiston the number of vehicles budgeted in WCSO capital expenditure? McCuiston stated it should cover 9 and in the past courts it has covered 6. McCuiston stated this depends on equipment installed in vehicles. Benton stated it was originally priced for the Chevrolet Tahoe but the Tahoe cost has increased.

White asked Benton why the Chevrolet Tahoe is being considered for the Sheriff's vehicle? Benton stated the Tahoe has always been an administrator vehicle and is what has been driven in the past.

Clark stated there has been a need for an admin vehicle because of vehicles being shuffled around. Clark asked if it is possible to shuffle a vehicle back to the administrator position as there are more vehicles in the fleet than there are people assigned to drive them? Clark also proposed that the newly elected Sheriff may not want a Tahoe and may want a truck. Clark asked if there is something that can be done in the meantime.

Benton confirmed vehicles can be shuffled however is needed. Benton continued that there are vehicles on the lot that can be purchased in the interest of expediency for the Sheriff. Burns stated by recent policy the court doesn't purchase by expediency it tries to bid locally because local vendors pay local taxes. Burns continued the court chooses to bid. White commented he doesn't have a problem using insurance money to purchase a pickup. White expressed concern about a Tahoe for the sheriff, stating, "When we're asking other officers to cut back on the size and expense of other vehicles when the sheriff's vehicle is $10,000.00 more than the others and the last sheriff drove a pickup." Lamance told Benton if they can find a good vehicle for the sheriff the citizens will look at that better and we can evaluate it again. Benton and Burns talked about the amount of time it take for bidding.

McCuiston commented that the budget will need some insurance money for vehicle repairs because the department is at 84% for repairs. Clark commented about placing insurance monies for vehicle repairs. McCuiston estimated $30,000.00. Burns asked the types of damages needed to be repaired.

Benton talked about the insurance monies coming in on totaled vehicles and it is separate from repair money.

McCuiston presented a report FY2015 Purchased Vehicles for Sheriff's Office (2014-2015). (See attachment) Clark stated thirteen vehicles were purchased in 2015 and nine in 2014. McCuiston said, "Be cautious as funds come into the county because we're on a tight budget." Benton confirmed with McCuiston that the first nine vehicles purchased in 2015 were purchased with capital expenditure funds; the next three were purchased with general funds (and some insurance funds) and the last was with impound funds. Benton confirmed that if the court approves the purchase if the pickup with insurance money there will be no cost to outfit the vehicle with equipment as equipment will be moved from other vehicles. Clark stated he wants all deputies to have a safe, reliable vehicle to drive, but since we're in an interim stage "let's let the new sheriff determine how his fleet looks."

The court discussed using insurance monies to purchase a truck; insurance monies for vehicle repair and funds from the sale of vehicles moved out of the fleet going back to the WCSO for repairs.

Kennedy asked where funds go from precinct sales? McCuiston stated funds go back to the precinct.

McCuiston reiterated about being cautious as monies come in. Clark stated that the sale of WCSO vehicles will need to be handled as a budget amendment as the vehicles are sold.

Motion made by Kennedy seconded by White and unanimously adopted by the Court to award Bid No. 16-568-020 for the purchase of one additional ½ ton pickup to Jim Bass Ford for $26,471.00, as presented, to be purchased with insurance funds.

The court clarified what was being purchased today and the five SUVs that were awarded for purchase at the last meeting.

14) Consent Agenda Item:

a) Department Head Reports

- Sworn Statement in Proof of Loss for November 5, 2015 hailstorm damage to roofs and buildings.(See attachment)
- County Clerk Monthly Activity Report for December 2015. (See attachment)
- Asset Control Report October 1 to December 31, 2015 (See attachment)
- Public Works monthly activity report December 2015 (See attachment)
- Auditor re: IRS Travel Reimbursement Rates (See attachment)
  - Lodging In-State up to $85.00
  - Mileage decrease from $0.57.5 cents per mile to $0.54 cents per mile.
  - Meals $46.00 per day

b) Budget Amendments: FY16-03 for various line item transfers; County Attorney increase part-time salary from full time; adjust storm damage construction line items; recognize additional insurance revenue and vehicle repairs for FY2016 budget. (See attachment)

McCuiston commented that Public Works department budget is almost out of money for vehicle repairs. Goode spoke about maintenance needs at the Public Works Department. McCuiston stated that the county doesn't really have money in contingency so any insurance money we get we have to offset with Public Works.

c) FY14 & FY15 and FY15 & FY16 – 3 Year Capital Expenditure Plan:

Clark stated that one project authorized under the Capital Expenditure Plan was a new building at Emergency Medical Services (EMS) for new bays for vehicles. Clark stated there is $175,000.00 allocated to this project and work also needs to be done in the living quarters. Clark stated he has discussed this with Project Manager Glenn Hughes and Emergency Medical Services (EMS) Director Charles Dillard.

Clark told the court the existing building needs to be rehabilitated and provided the attached "Capital Project – EMS building Decatur" list of work, cost and total project cost of $25,400.00 for the existing building rehabilitation. Clark told the court the additional building construction will be a 2,400 square foot 3-bay metal building costing $48,500.00. Clark stated the subtotal for both projects is $73,900.00 with a projected combined total (including permits, etc) not to exceed $90,000.00.

Clark proposed leaving $100,000.00 in Emergency Medical Services (EMS) Capital Funds for the new building and rehabilitation project and moving the remaining $75,000.00 to county buildings and various equipment capital fund. (See attachment)

Burns asked if the 3-bay shop is big enough for future growth? Dillard stated the department is kind of "stuck" space-wise based on the property size. Burns and Dillard discussed equipment that will be stored in the bays. Hughes stated they may be able to extend parking and the sheds for future growth. Hughes stated this should last a long time. Burns stated he's concerned that the WCSO command center needs to be under "roof".

McCuiston reminded the court of previous approval for $250,000.00 for the CAD system for the WCSO. McCuiston stated there is $700,000.00 left over and requested to move it over to other various buildings or wherever the court wishes to move it to be allocated under capital expenditure. McCuiston spoke about the $75,000.00 from EMS capital expenditures to be moved over to other various buildings and allocated capital expenditure projects. McCuiston clarified the CAD system excess monies ($250,000.00 for WCSO and $60,000.00 for EMS) will be moved under System Administrator Steven Melton's capital expenditures fund for good financial accountability.

d) Claims and Payroll:

- Disaster Walk to Court (See attachment)
- Claims Register (See attachment)
- Payroll Registers (See attachments)

e) Utility Permits/Right-of-Way: None

f) Interlocal Agreements: None

g) Contracts:
(Original contracts are filed in the Asset Control Office by Diana Alexander)

- Alexander re: new law that effects contracts

  Aaberg stated there is a Certificate of Interested Parties (Form 1295) that is required by the Texas Ethics Commission (See attached) that must be signed/and returned by all vendors before contracts can be finalized and signed. Alexander stated that this is not required on Interlocal Agreements only contracts with business entities.

  The court discussed how this may slow the contract process and fewer vendors responding to bids.

  Alexander stated this will not go out with the original bid packet. Alexander stated language will be added advising of this change.

- Fully Executed Contracts: (See attachment)
  -Fire Department City of Bridgeport
  -Cottondale VFD Dumpsite Lease

- NCTCOG CASA WX membership dues 2016 (See attachment)
- NCTCOG Annual Membership Dues (See attachment)
- Renewals: (List only)
  -Dustin Copier Sheriff Office Commissary
  -Iplow for County Clerk (Collection for criminal misdemeanor court)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all items listed under agenda item 14 with changes and clarifications, as presented. (See attachments)

15) Project Agreement for Road Repair:

McCuiston presented Project Agreement #3018 for City of Aurora that was approved on December 14, 2015 for signature by Clark. (See attachment)

16) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve Burns' request to enter onto private property at the corner of CR 1593 at CR 1596 (Pct. 2) being Kevin Midland's property to clear brush for site distance visibility. (No attachment)

17) Burn Ban: None

18) Committee Reports: None

19) Clark announced the next meeting as January 25, 2016.

Clark adjourned the meeting at 10:12 AM there being no further business to be had.

Minutes approved this 25 day of January, 2016, as printed.

J.D. Clark, County Judge, Wise County

Danny White, Commr. Pct. No. 1

Kevin Burns, Commr. Pct. No. 2

Harry Lamance, Commr. Pct. No. 3

Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court, Wise County, Texas.

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.

Addendum:
The following abbreviations are used in reference to current Wise County projects.

WCCAB – Wise County Courthouse Annex at Bridgeport
SWA – Southwest Architects Inc.
TxDOT/DPS - Texas Department of Transportation/Department of Public Safety
TAC – Texas Association of Counties
TFP – Wise County Thoroughfare Plan
WHJ – Wiginton, Hooker and Jeffry, P.C. (in relation to Wise County facilities Master Study Plan)
WCWC – Weatherford College Wise County campus