

FEBRUARY 10, 2015

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 10th day of February, A.D., 2015 at 9:00 AM 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 9:00 AM. All court members were present.
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum
- 5) Correspondence:

North Central Texas Council of Governments 9-1-1 Regional Program Director Jason Smith appeared before the court to recognize three Wise County Sheriff's Department telecommunication officers with the following awards:

9-1-1 Professional Award to Zachary Bryden
9-1-1 Supervisor Award to Jeff Doughty
9-1-1- Telecommunicator of the Year Award to Caitlin Knobel

Sheriff David Walker commended his deputies for going above what is required and stated that "of approximately 550 telecommunicators in our region for us (Wise County) to receive three of the six awards is huge."

Page Two, February 10, 2015 Mtg...

Clark referenced correspondence from a visitor to the Wise County Clerk's Office Records Room commending Christine Miles for the cleanliness of the record room. County Clerk Deputy John Curry passed the comment along to the County Judge's office.

White congratulated Clark on his recent announcement to marry his fiancé.

6) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the minutes of January 26, 2015, as printed. (No attachment)

7) Bids:

Asset Control Officer Diana Alexander stated that Bids No. 15-600-024 (purchase one or more new $\frac{3}{4}$ ton truck crew cab only) and 15-600-025 (purchase one or more new $\frac{3}{4}$ ton truck extended cab only) can be awarded together. Alexander stated the low bid is Prestige Ford, Garland, TX. Alexander recognized that there is a carpet option and requested that the court be specific as to whether they want carpet or no carpet.

Public Works Director Tom Goode indicated that he no longer needed a truck and therefore would not utilize this bid.

Motion made by Burns seconded by White and unanimously adopted by the Court to award Bids No. 15-600-024 for the purchase of one or more new $\frac{3}{4}$ ton truck crew cab only and 15-600-025 for the purchase of one or more new $\frac{3}{4}$ ton truck extended cab only to Prestige Ford, Garland, TX, as presented. (See attachments)

Alexander asked Burns about the carpet option? Burns stated he will discuss this with his foreman.

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for the purchase of a two wheel drive $\frac{3}{4}$ ton extended cab truck longbed with no carpet.

County Engineer Chad Davis presented a material quote from Martin Marietta Materials (M3) regarding a stockpile of rock material located on FM 2123 that was left at the stock pile by TxDOT's contractor Peachtree after work was performed on FM2123 by TxDOT. Davis stated that M3 will make the county a special deal on the grade 4 rock because they do not want to haul it off. Davis stated there is 1,300 tons of material and M3 is quoting \$9.00 per ton as cost to the county.

Davis discussed this with Commissioners Court Attorney Thomas Aaberg, County Auditor Ann McCuiston and Burns regarding acquiring the materials.

Aaberg stated that at the time of initial discussion he and McCuiston weren't sure if M3 had the county's bid for this grade of rock.

Page Three, February 10, 2015 Mtg...

Alexander stated the bid allows for the vendor to sell the awarded product for less than the bid amount.

The court discussed whether this item needs court action or not.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Clark to sign the quote and purchase the rock being 1,300 tons of grade 4 rock from Martin Marietta Materials at \$9.00 per ton, as presented. (See attachment)

Clark stated that Special Projects Manager Glenn Hughes is not present today (in Austin, TX) and discussed the portable building project at the Wise County Fairgrounds. Clark stated the project will involve creating a shared porch with ADA compliant ramp between the two buildings as well as rock work on the outside of the building. Clark stated that Hughes requests court direction as to how to proceed with bidding or utilizing IDIQ (U.S. Federal government acronym – indefinite delivery/indefinite quantity).

Burns explained that IDIQ is a construction management service that has already been bid out and uses local bids and local contractors (when they can). Burns stated it has an umbrella policy that covers bonding and insurance.

Aaberg expressed concerns that he previously discussed with Clark stating that bidding is required if the court spends over \$50,000.00 on the project. Aaberg also stated there is statute that states if a wall is moved and add a door and the project is over bidding limit then an architect must be involved in the project if the cost is over \$50,000.00. Aaberg stated he understands the project is estimated about \$70,000.00 at this point.

Aaberg recommended the court determine if that amount is correct and if so hire an architect or engineer for the project.

Lamance asked about splitting the project? Burns and Aaberg told Lamance that if the court knows the project total is over \$50,000.00 then it must be bid as is the law. Lamance asked about the costs of the project that make it over \$50,000.00? Burns stated wainscoting, rocking of outside, and ADA ramp as parts of the project. Burns stated the court was aware of this when the buildings were acquired from the 1033 Program.

The court discussed the interior of the buildings. Clark stated there are six offices per building being twelve offices total.

Clark asked if the court wishes to set this item aside until more information can be obtained from Hughes?

White asked about use of county labor? Aaberg reiterated his statements above about bid amounts and structural changes and having an architect/engineer hired. Aaberg and Burns reiterated their statements about piece-milling the project work.

Page Four, February 10, 2015 Mtg...

Clark stated he wants to determine exactly what needs to be done on the project.

Walker asked the court whether the same requirements exist for the portable building on the Sheriff's Department property for use as a crimelab? Aaberg confirmed the total project cost for the crime lab as being \$8,000.00. Walker confirmed the structure is not public access. Aaberg stated the statute is regarding an occupied building.

Public Works Director Tom Goode asked about hiring a contractor to do the work? Aaberg stated the county has to hire an architect or engineer to represent the county on the project.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for Requests for Qualification (RFQ) for an architect or engineer for the limited project of the portable buildings on the Wise County Fairgrounds.

Kennedy notified the court of his intention to purchase a service truck for Precinct No. 4 at the next Ritchie Bros. Auctioneers auction if he finds one that will suit his needs.

Alexander stated the next sale is the first week of March 2015 and advised commissioners they need to have anything for the sale up to Ritchie Bros. Auctioneers by the last week of February. Alexander stated she will email the commissioners with the dates and requirements for the next sale.

Aaberg and the court discussed discretionary exemption for professional services under Local Government Code 262.004. Alexander stated the court cannot ask for pricing and can only request resumes of experience. Alexander and Aaberg discussed ranking of RFQ's in open court. Burns stated he did not think discretionary exemption had to be done until the architect/engineer was hired.

Motion made by Burns seconded by Kennedy to amend the previous motion to authorize Asset Control Officer Diana Alexander to advertise for Requests for Qualification (RFQ) for an architect or engineer for the limited project of the portable buildings on the Wise County Fairgrounds and the county will hire an engineer or architect under Local Government Code 262.004 discretionary exemption for professional services.

Skip to agenda item 13: Consider and act on Final Plat of La Foresta Lots 1-3, Precinct No. 1.

Motion made by White seconded by Burns and unanimously adopted by the Court to approve the final plat of La Foresta Lots 1-3, Precinct No. 1 with a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

Back to agenda item 8: Consider and act on amended prioritized CETRZ list of project.

Davis requested the court's permission to add Dillavou Lane (Pct. 1) and remove Sunset School Road (Pct. 2) from the TxDOT County Transportation Infrastructure Fund Grant Program list of projects as oilfield traffic has damaged Dillavou Lane. Davis stated this is a formality to TxDOT but wants to bring it before court for discussion.

Motion made by White seconded by Burns and unanimously adopted by the Court to approve the amended prioritized County Energy Transportation Reinvestment Zone (CETRZ) list of projects, as presented. (See attachment)

9) Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Emergency Services Commissioners' recommendations of appointments to the Wise County Emergency Services District #1 Board being Jerry McEntire and Scott Farver. (See attachment)

10) Clark stated the Systems Coordinator Committee recommends Steven Melton (Boyd, TX) who has the background as a network administrator and network engineer. Clark requested court approval.

Motion made by White seconded by Burns and unanimously adopted by the Court to hire Steven Melton as the Wise County Systems Coordinator, as presented.

County Treasurer Katherine Hudson asked Clark about Melton's start date? Clark stated Thursday (no date specified).

Lamance asked about any recourse on the county's part if Melton doesn't do what he is hired to do? Clark stated "get rid of him." Burns stated Melton will be an at-will employee of the county judge.

11) Donations:

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

- \$1,000.00 from USPCA for the Sheriff's Department canine program.
- \$100.00 from Robin Lewis for the Sheriff's Department canine program.
- \$400.00 from Pella Cemetery for Fund 77 (County Park)
- Two cat cages and a cat tree from Direct Animal Products for the animal shelter.

McCuiston stated the owner of the old Wells Fargo Bank building (between Main and Walnut Streets) is donating furniture to the county. Alexander asked if he is donating or selling furniture? Alexander stated the county needs to get a list of what the property owner is donating.

12) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the Western Surety Company Official Bond and Oath (Bond No. 71626388) for

Sabra Jan Srader as Wise County Election Administrator. (Original bond recorded in Official Bond and Oath Records by the Wise County Clerk.)

14) Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the following, as presented:

- a) Department Head Reports:
 - Auditor's Report January 2015 (See attachment)
 - County Clerk monthly activity report January 2015 (See attachment)
- b) Budget Amendment No. FY15-09 (See attachments)
- c) FY14-FY15 3 Year Capital Expenditure Plan: None
- d) Claims/Payroll:
 - Claims register dated 2/9/15 including Walk-to-Court page (See attachment)
 - Payroll register dated 2/6/15 (See attachment)
- e) Utility Request:
 - West Wise Special Utility District for CR 1308 located in Precinct No. 2. (See attachment)
- f) Interlocal Agreements: None
- g) Contracts:

(Original Contracts are filed in the Asset Control Office by Diana Alexander.)

 - Renewals list (See attached list)
Lexisnexis Accurint for Sheriff's Department, Emergency Medical Services (EMS) and Justice of the Peace Pct. 2.
 - Cancellations (See attached list)
Lexisnexis Justice of the Peace Pct. 4
 - Fully Executed (See attached list)
-Amendment to Consulting Agreement by and between Prince Computing Corporation and Wise County. (See attachment)

15) Clark announced the court would convene into Executive Session at 9:35 AM pursuant to Open Meetings Act 551 specifically Texas Government Code Section 551.072 – Deliberations on Real Property.

16) Clark reconvened into Open Session at 10:21 AM and announced that no action was to be taken under agenda item 15.

Back to agenda item 7: Discuss and consider construction, initiation and/or approval of: (i) specification pursuant to advertising for bids on one or several different items and/or services for purchase (or sale of items); (ii) purchase of specific items; (iii) consider awarding of bids; and (iv) consider giving notice of cancellation(s) as/if necessary. Take necessary action.

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the purchase by Lamance of a Roscoe broom from Buyboard for Precinct No. 3. (No attachment)

Burns advised the court of his intention/request to purchase a water truck at Ritchie Bros. Auctioneers for Precinct No. 2 if one is found to meet the precinct's needs.

White advised the court of his intention/request to purchase a water truck at Ritchie Bros. Auctioneers for Precinct No.1 if one is found to meet the precinct's needs.

17) Project Agreements for Road Repair:

Motion made by Kennedy seconded by Lamance and unanimously adopted by the Court to approve the Project for Road Repair with the City of Paradise for pothole repair on various city streets located in Precinct No. 4. (No project agreement number provided)

Alexander stated she is waiting to receive the new road repair agreement with the City of Paradise.

Kennedy stated he is still waiting to perform asphalt repair work on roads by the new Dollar General store in Paradise that was approved in September 2014.

18) Right-of-Way Improvement Requests:

Kennedy requested to enter onto the property of Tom Shevers on CR 3823 (Pct. 4) to clear the right-of-way and doze the fence with the property owner replacing the fence.

Burns stated he needs to get on the property of Dennis Scott at CR 3141 and Preskitt Road (Pct. 2) to grade in order to get the bank down for sight distance.

Burns also requested to seek permission from the estate of a deceased man named Brooks to enter on to property on CR 1667 (Pct. 2) commonly known as Old Red Willow Road to clean brush out of the corner.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve entry onto the right-of-way to improve public safety on the property of Tom Shevers CR 3823 (Pct 4); Dennis Scott property CR 3141 (Pct. 2); and to seek permission from the Brooks estate for property on CR 1667 (Pct 2), as presented.

19) Burn Ban:

County Fire Marshal/Emergency Management Coordinator Chuck Beard had no changes to the burn ban. Beard stated an unnamed neighboring county is under a burn ban at this time. Beard thanked Burns for his assistance with a track loader at a recent fire reducing a 24-hour job to a 4 hour job.

20) Committee Reports:

Hudson stated there will be an unclaimed treasury meeting at the Sheriff's Department on February 25, 2015 from 10:00 AM to 6:00 PM. Hudson stated anyone with unclaimed funds that attends will have their claim expedited.

Clark stated City of Bridgeport Mayor Don Majka advised Clark of his intention to resign as county representative to the North Central Texas Council of Governments Area Agency on Aging.

21) Clark announced Monday, February 16, 2015 as the next county holiday being President's Day.

22) Clark announced the next meetings as Monday, February 23, 2015 and Monday, March 16, 2015.

Clark confirmed he will post notice of county attendance at Wise County Legislative Days in Austin (week of February 16-20) and V.G. Young Institute (week of February 16-20).

23) Clark adjourned the meeting at 10:30 AM there being no further business to be had.

Minutes approved this 16 day of March, 2015, 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 Larnace
Harry Larnace, Commr. Pct. No. 3

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

ATTEST:

Sherry Lemon
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