

**FEBRUARY 10, 2016**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 10<sup>th</sup> day of February, A.D., 2016 at 9:00 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 (3<sup>rd</sup>) 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: None
- 5) Correspondence:

Clark reminded the court of the Wise County Children's Health Summit (Cook Children's) tomorrow, February 11, 2016 at 10AM at the Decatur Civic Center.

Clark presented for record a letter to Kirt Shaw who at the last meeting requested the county consider passage of an ordinance to ban gun usage on ten acres or less. (See attachment) Clark stated in the letter that the situation was assessed and law enforcement findings were taken into consideration. Clark told Shaw that he doesn't feel it is necessary to pass such an ordinance at this time as it would affect a broad swath of Wise County citizens who safely and responsibly discharge firearms. Clark reminded Shaw that any shooting he feels is unsafe should be reported to the Wise County Sheriff's Department and thanked Shaw for his thoughts and concerns.

- 6) Coordination/Cooperation between precincts:

Burns stated he will be paving north of Bridgeport in a few weeks and may borrow some trucks.

White stated he will be paving for the City of Decatur and may borrow trucks as well.

7) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the minutes of January 25, 2016, as printed.

8) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Final Plat of Sheryl's Place Estates, Lots 1-3 in Precinct No. 2 with a letter of general conformance from Kimley-Horn and Associates, Inc. and granting a variance for a drainage study. (See attachment)

9) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to appoint Sabra Srader as the Central Counting Station Manager, Karen Valenzuela as the Tabulations Supervisor, John "Skip" Matthews as the Presiding Judge and Eugene Schulte as the Alternate Judge for the Central Counting Station for the March 1, 2016 Democratic and Republican Primary Election. (See attachment for both agenda items 9 and 10)

10) Motion made by Burns seconded by White and unanimously adopted by the Court to appoint John "Skip" Matthews (Judge), Eugene Schulte and Katy Marquis as the Early Voting Ballot Board for the March 1, 2016 Democratic and Republican Primary Election. (See attachment for both agenda items 9 and 10)

11) County Treasurer Katherine Hudson stated the county approves an Investment Policy each year and the proposed policy has been reviewed by Commissioners Court Attorney Thomas Aaberg and Hudson.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to adopt the County Investment Policy for FY2015-2016, as printed. (See attachment)

12) Clark stated this is a good opportunity to provide space at the WCSO for NCTCOG to build a tower. Clark stated NCTCOG is working to improve 911 servicing in the area and a tower will improve redundancy of 911 and should result in no 911 outage.

NCTCOG representative Tony Hurt stated the idea behind the project is to combine multiple technologies, redundancy technology, add additional circuits and software. Hurt stated the tower will be built with additional specifications so the Sheriff's Department can add additional equipment for the county as the county grows. Clark commented the county can get off the Verizon tower. Hurt stated there are seventeen towers being built in the region. Hurt stated the cost of the tower (including maintenance) is covered by NCTCOG.

NCTCOG representative John Thompson stated the insurance is covered by NCTCOG. Thompson discussed maintenance of the tower. Hurt stated that under the existing Interlocal

agreement between Wise County and NCTCOG the insurance portion is covered by the Wise County Sheriff's Department as it is on the county property.

White asked the height of the tower? Hurt told White the height of the tower is 195' and confirmed that county usage is cost-free to the county. Thompson stated there is an additional 250% loading that is placed on top of the NCTCOG equipment on the tower to allow enough capacity for additional items from the county. Hurt stated NCTCOG will work with the WCSO to make sure the tower is the height the county wants. Clark stated this will potentially allow the county to get out of the Verizon tower lease; will create 911 redundancies and is a win-win all around.

Burns confirmed Hurt's statement about the height of the tower.

Sheriff Chief Deputy Kevin Benton stated the WCSO will deal with the security issues during the construction. Clark confirmed it will be placed in the southeast corner of the building. Benton confirmed it will be between the drainage creek and the building.

Aaberg stated he has reviewed the contract sent and requested changes to liability.

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize Clark and Commissioners Court Attorney Thomas Aaberg to negotiate and execute an Interlocal Agreement with NCTCOG 911 Services for placement of a telecommunication tower at the Wise County Sheriff's Office. (No attachment)

13) Donations:

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

Carolyn's Furniture -- loveseat and six barstools (\$1,500 value) to Emergency Medical Services (EMS). (See attachment)

14) Bids:

Asset Control Office Assistant Eva Czerniak presented the following bid information for the court's information:

Bid No. 16-611-022 for full depth reclamation \$866,000.00 (See attachment)

County Engineer Chad Davis stated this is for one of the county's CTERZ projects on CR 4511 in Precinct No. 1. Davis stated TxDOT's reimbursement portion is \$692,800.00 with the county's portion being \$173,200.00. Davis stated this is a lump sum contract and is more than was originally thought to be. Davis stated they will seal-coat and it will free up county crews to

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continue their work. Davis stated the only question he has discussed with Aaberg is the performance bond at 100%.

Burns stated it needs to be in-line with the Development Rules and Regulations with a two-year guarantee on the product. Burns and Davis discussed if this was in the bid specifications. Davis stated the bond was in the specifications but he is not sure if the length of time was specified.

Davis recommended the county use this process and said the county can look at this to use on future projects.

White stated the county cost will be \$173,200.00 and "he can't go out and do that road for \$173,200.00" White confirmed the road length of 3.1 miles. White stated it is a one-step process and will be a shorter time frame that what he could do (as a precinct).

White stated the county can check into the performance bond and isn't sure about whether the vendor will give a two year guarantee. White stated subdivisions have light traffic and CR 4511 is heavily traveled. White stated he doesn't know the length of a performance bond. Clark stated in the future the county can spec out the length of time of the performance bond so there won't be any confusion.

Davis discussed liability and cost associated with lump sum projects like this.

Lamance asked County Auditor Ann McCuiston where the \$173,200.00 is coming from for this project? McCuiston stated money is set aside for this and it will be reimbursed by TxDOT. Davis confirmed that reimbursement is made upon completion of the project.

Davis discussed projects on Dillavou Lane and CR 3140 and discussed TxDOT administration of CETRZ funds; use of CETRZ funds and adjusting funds for this project based on priority.

Motion made by White seconded by Burns and unanimously adopted by the Court to award Bid No. 16-611-022 for Full Depth Reclamation to A.L. Helmcamp, Inc. for \$866,000.00, as presented. (See attachment)

Czerniak provided a letter from Austin Asphalt re: Bid No. 16-600-001 for asphalt road surfacing materials cancelling the bid for road surfacing materials. Burns stated the plant location moved. No action taken by the court. (See attachment)

Czerniak presented the court with the Auction list for March 2016 with the exception of county asset # 13862 being a 2010 Ford F150 pickup truck that is being transferred to the Fire Marshal/Emergency Management Coordinator department.

Clark stated that Fire Marshal/Emergency Management Coordinator Chuck Beard's department had an opening in the Cities Readiness Initiative (CRI)/Assistant Emergency Management Coordinator position; and, Beard has hired Wise County Sheriff's Deputy Jeff Dowdy for the

position. Clark told the court this will increase the roll of the position as Beard will send Dowdy to fire investigation school and requested one truck for Dowdy's use.

Motion made by White seconded by Kennedy and unanimously adopted by the Court to approve the Auction List for March 2016 with the exception of asset number 13862 being a 2010 Ford F150, as stated above. (See attachment)

15) Consent Agenda Item:

a) Department Head Reports:

- County Clerk monthly activity report January 2016 (See attachment)
- McCuiston presented the court with the following; no action required:
  - Snow Garrett Williams CPA audit report for Texas Juvenile Justice Department Grant Funds of Jack and Wise Counties, Texas. (See attachment)
  - Snow Garrett Williams CPA audit report for Wise County, Texas 271<sup>st</sup> Judicial District Community Supervision and Corrections Department (See attachment)

b) Budget Amendments:

- FY16-05 Various line items transfers; adjust line item travel/lodging for new line item county dues; increase capital expenditures for the Development Building and Elections Department for the FY16 budget. (See attachment)

McCuiston stated that in the past non-departmental conference, lodging and dues were under one line item. McCuiston stated that now lodging is only out of that line item.

Clark asked the court's opinion about taking lodging out of non-departmental in a legislative year and having it taken from the department budget during non-legislative years? Burns stated it depends on what is going on and what is going on in interim studies. Burns discussed testifying before committees in non-legislative years. Clark stated he is not talking about testifying in hearings; he sees the benefit in that. Clark stated he doesn't see the benefit in saying that non-departmental budget will pick up the tab in August in a non-legislative year. Clark stated it is up to each department head to look at their budget in a non-legislative year. Burns stated the four major conferences that an elected official can do to make his/her hours. Kennedy stated he doesn't have a problem with this. Clark stated in a legislative year he doesn't mind picking up the cost.

- FY16-06 Increase revenues for insurance recovery and expense for vehicle repairs for FY16 budget. (See attachment)

McCuiston explained the 911 and Extension Offices went out for estimates on repairs for insurance monies.

Benton explained about the Sheriff's Departments needs in the insurance recovery and expense for vehicle repairs. Benton provided a spreadsheet titled "Hail Damaged S.O. Vehicles" and

outlined the insurance monies received (\$185,793.82); total repair cost (\$109,984.13) and the balance of funds needed from the \$185,000.00 as \$79,984.13. Clark stated the \$185,793.82 has gone into General Fund for repairs and the Sheriff's Department is requesting almost \$80,000.00 be allocated to the Sheriff's Department for repairs. McCuiston stated she rounded the amount to \$80,000.00.

- FY16-07 Increase General Fund Revenues and Expenses for Insurance Recover for Sheriff Office Roof and move to Reserve Fund for FY16 budget (\$513,728.30) (See attachments)

McCuiston stated this was deposited into General Fund and will be moved to Reserves to build up the Reserves account. McCuiston stated the Reserves account is currently at 13-14% and this will increase it to 16%. McCuiston stated the county set the Reserves Fund at 20% of the General Fund total.

Clark stated the county has budgeted to give Texoma Area Paratransit Systems (TAPS) \$18,000.00 in FY16. Clark continued that McCuiston disburses the funds in January and that he requested she wait on the TAPS disbursement until the county is comfortable with the TAPS organization and perhaps do some partial disbursements as TAPS meets certain benchmarks.

Clark stated that NCTCOG and TxDOT auditors and accountants have reconciled bank statements from 2015 back and the documentation required by TxDOT does exist. Clark stated that the auditors advise that the funds were spent on transit and it was poor and negligent record-keeping. Clark stated there is outside funding from NCTCOG, TxDOT and FTA that TAPS can draw on for services provided. Clark stated it is determined that the funds were used properly. Clark stated NCTCOG paid the cost for the outside auditor and the TAPS board is bringing in a specialist that has a good working relationship with FTA and TxDOT, Fred Gilliam, to do the RFP for public/private partnership. Clark continued that the TAPS board of directors will still be able to be to receive NCTCOG and TxDOT funding and contract with a private company to do transit services in a public/private partnership. Clark stated the cost of the specialist will be paid between the six counties (based on population) that utilize TAPS and stated Wise County's portion will be about \$5,000.00. Clark requested the court approve the use of \$5,000.00 of the TAPS allocation to provide TAPS with Wise County's portion of the specialist cost. Clark stated the board has made great progress in the last sixty days and requested to hold on to the remainder of the \$18,000.00 for future allocation.

c) FY14 & FY15 and FY15 & FY16 - 3 Year Capital Expenditure Plan: None

d) Claims and Payroll:

- Walk to Court FY16 2/10/16 Register (See attachments)  
Lowes for \$4,256.06  
Ozarka (January) water for all buildings (\$1,578.47)
- Claims Register (See attachment)
- Payroll Registers (See attachment)

- Martin-Marietta for grade 4 rock (stockpile from TxDOT) about \$9,000.00 out of all precinct reserves.
- e) Utility/Right-of-Way Permit Requests: None
- f) Interlocal Agreements: None
- g) Contracts:  
(Original Contracts are filed in the Asset Control Office by Diana Alexander.)
- COPsync network subscription proposal (See attachment)

Aaberg stated the county already has an agreement with COPsync at the Sheriff's Department. Clark briefly described the system and its purpose. Clark stated this will expand COPsync to all county buildings and allow any school in Wise County to use the service. Clark stated the cost is \$5,000.00 no matter how many school districts utilize it. Clark stated the schools relationship will be between the company, school and or municipality. Clark stated COPsync is already talking to the school districts. Benton stated the municipalities will do their own agreements with COPsync.

Aaberg stated that everything done in the county is what we are paying for and anything outside will be addressed directly with COPsync.

Clark discussed the security benefits of the COPsync program. Benton discussed how COPsync works in an emergency situation, training and purpose. Systems Administrator Steven Melton stated that his department has all county building floor plans and is working to install in all county buildings.

McCuiston asked about adding \$5,000.00 to the budget because an adjustment will need to be done? Clark confirmed the \$5,000.00 will come from Communications budget. Aaberg stated he will get with Asset Control Officer Diana Alexander regarding submission of the contract to COPsync and the 1295 form. Aaberg stated he is changing a term in the existing COPsync and the county will get an amended contract from the company.

- Fully Executed – 5-600-040 Watershed Modification
- Corrected Automobile Proof Of Loss for 2013 Ford Explorer \$19,850.00 (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve all items presented and discussed under agenda item 15. (See attachments)

- 16) Project Agreements for Road Repair:

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Motion made by White seconded by Burns and unanimously adopted by the Court to approve the project agreement for road repair #1007 for Precinct No. 1 to lay hot-mix asphalt on Collins (not College as previously stated on 2.9.16) and the airport parking lot for the City of Decatur. (See attachment)

Motion made by White seconded by Burns and unanimously adopted by the Court to approve the project agreement for road repair (no number provided) for Precinct No. 2 for brush removal at the Bridgeport airport. **(No attachment)**

Clark stated the county can assist up to \$15,000 per project in equipment and labor to the municipalities for projects.

17) Right of Way Improvements: None

18) Burn Ban: Beard stated he has issued seven burn ban warning citations and there have been three (3) National Weather Service red flag days under the current burn ban.

Beard told the court he is working with courthouse staff to put together a new fire drill evacuation plan.

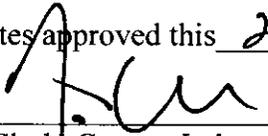
19) Committee Reports:

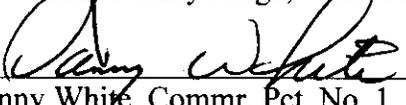
Clark stated the NCTCOG board of directors approved Kelly Jones (Director of Social Services at Wise Regional Health Systems) as Wise County's representative on the NCTCOG Area Agency on Aging.

20) Clark announced the next meetings as Monday, February 29, 2016 and reminded the court of the Wise County Council on Alcohol and Drug Abuse annual luncheon on the 29<sup>th</sup> at the FUMC-Decatur Wesley Center.

Clark adjourned the meeting at 9:55 AM there being no further business to be had.

Minutes approved this 29 day of FEBRUARY, 2016, as printed.

  
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J.D. Clark, County Judge, Wise County

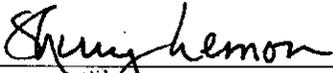
  
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Danny White, Commr. Pct. No. 1

  
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Kevin Burns, Commr. Pct. No. 2

  
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Harry Lamance, Commr. Pct. No. 3

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

ATTEST:

  
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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