

APRIL 13, 2015

WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 13th day of April, A.D., 2015 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 (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 are present. Clark noted that April 13th is Thomas Jefferson's birthday and quoted Jefferson "Nothing is troublesome if done willingly."
- 2) Pledge of Allegiance
- 3) Moment of Silence
- 4) Community Forum:

Upper Trinity Groundwater Conservation District (UTGCD) General Manager Doug Shaw appeared before the court to introduce himself and to remind the court of the county's appointment to the board of directors.

Shaw reminded the court of a June 1, 2015 deadline to appoint a board member to replace Dr. Robert Marlett whose term expires this year. Shaw stated if the court doesn't appoint someone for the position then the board will appoint someone.

- 5) Correspondence:

Clark presented the following correspondence:

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- Proclamation proclaiming April 2015 as Child Abuse Awareness Month in Wise County. (See attachment)
- April 13-17, 2015 is National Telecommunicator Week.

6) Motion made by White seconded by Lamance and unanimously adopted by the Court to approve the minutes of the meetings March 16, 2015 and March 30, 2015, as presented. (No attachment)

7) Burns stated the following regarding the blockage of the upper portion of Sandy Creek at CR 1590 at FM 2265 in Precinct No. 2. (*Clerk's note: confirmed with Commissioner Burns that the correct FM is FM 1655 not FM2265.)

Burns stated three Precinct No. 2 residents are present requesting help with the blockage in the upper portion of Sandy Creek at CR 1590 at FM 2265.

Burns told the court this portion of the creek has been blocked since Burns became commissioner. Burns stated the blockage (and resulting overflow of creek banks) closes CR 1590 six (6) weeks a year and is a problem for residents that live past Sandy Creek requiring 4-6 miles of extra travel over to SH 81/287. Burns stated this is a public safety issue.

Burns continued that the water level is sometimes four (4) feet deep. Burns stated there are two bridges on the road; the east bridge is "normally" out of the water; the west bridge is underwater often. Burns stated the solution would be to clean out the blockage on property owned by Trinity Industries between CR 1590 and FM 1655. Burns stated there is only a five (5) foot drop in between the two highways. Burns stated there is no defined creek channel.

White asked Burns if cleaning the blockage will eliminate water over the roadways? Burns stated it will not but it will allow water to drain better.

Burns stated the bridges are sufficient but underrated; in order to build a bridge through there it would 1,000 feet long.

Kennedy asked Burns if he's talking about pulling the brush out and digging a channel? Burns stated those residents present have cleared brush on their properties on the north side of the road. Burns stated work needs to be done on the south side of the road.

Public Works Director Tom Goode discussed the channel. Burns told Lamance that clearing will total about a half mile.

County Engineer Chad Davis advised that TxDOT is scheduled to replace one of the bridges in the next two to three years and recommended any changes to the area now before the bridge is replaced permanently.

Lamance asked the County's scope of assistance? Burns stated to go in with some machinery and pull it up. Burns stated the best thing to do would be to use an excavator to clean out the channel and push the dirt up in piles being the quickest, easiest, cheapest thing to do. Burns stated all of this depends on Trinity Industries allowing Wise County to enter the private property. Burns stated it would probably be a July/August project. Burns estimated it would take two men approximately thirty (30) days. Goode confirmed the county has the equipment. Burns confirmed county employees could do the work. Burns requested permission to contact Trinity Industries to enter onto private property to complete the work. Burns also requested to use right-of-way funds and if not approved he can use precinct funds.

Lamance asked about the expenses anticipated by Burns; Burns said fuel and wages. Burns stated the land owner wouldn't consider clearing the creek channel when they were actively mining the land. Burns stated he believes the property may be for sale but is on the tax role as Trinity Industries.

Burns stated Precinct No. 2 employees will be rotated out on the project. Burns stated this will not correct every "ill" but will reduce the number of days of flooding from a few weeks to a few days.

Goode commented about flood control structures in the area where this blockage is on the creek.

Lamance asked if this type of work is within the county's scope of work? Goode commented about the Big Sandy Watershed Agreement and this channel work is within the scope of the county's work. Burns stated the county approved a survey many years ago to get a benchmark to go by and didn't get a surveyor to complete this.

Motion made by Burns seconded by White and unanimously adopted by the Court to go into an agreement with the landowners of the property at CR 1590 and FM 2265 (formerly owned by Trinity Industries); proceed with the work as discussed above; with the work/fuel cost being paid out of Right-of-Way Fund.

Burns stated the county needs a surveyor to provide a benchmark of the land. Burns stated that Davis can perform the duty.

8) Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the Final Plat of Casa Linda Addition, Lots 1-7 located in Precinct No. 4, as presented, granting a variance for the following:

- All lot sizes using or adjacent to a Shared Access Driveway must be larger than five (5) acres in size.
- Only three (3) lots not having independent access to a county road may use a shared access driveway.

as stated on the letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

9) Motion made by Burns seconded by White and unanimously adopted by the Court to approve the Final Plat of Green Acres Subdivision, Lots 1-5 located in Precinct No. 2, as presented, with a letter of general conformance from Kimley-Horn and Associates, Inc. and grant a variance for the drainage study. (See attachment)

10) County Auditor Ann McCuiston stated Wise County received \$42,512.00 last year in unclaimed capital credits and the funds were divided equally between Court Appointed Special Advocates (CASA), Child Advocacy, Voices Advocating for Children (VAC) and Child Welfare.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to approve Clark's request to submit a request to the Texas Comptroller of Public Accounts for unclaimed capital credits for 2012 and 2013 and divide the funds equally between the children charities that the county supports (listed above). (See attachments)

11) Clark stated he met with North Central Texas Council of Governments NCTCOG Director of Transportation Michael Morris and Parker County Judge Mark Riley who will become the head of NCTCOG's Regional Transportation Council (RTC) regarding a broad thoroughfare study for Wise County. Clark stated Tarrant County is currently doing a thoroughfare study. Clark told Morris and Riley that Wise County doesn't have funds available to conduct a thoroughfare study at this time. Clark stated that NCTCOG has agreed to fund and conduct a thoroughfare study for Wise County (setting aside about a half-million dollars for a Wise County study) and require a letter of interest/intent to proceed with a study funded and staffed by NCTCOG.

Burns stated the county currently has a study and asked about the use of the current documents to the study. Clark stated the current documents will be provided to NCTCOG and encourage NCTCOG to use the document as a framework.

Motion made by Burns seconded by Kennedy to authorize Clark to initiate a thoroughfare study with North Central Texas Council of Governments (NCTCOG).

12) Bids:

Motion made by White seconded by Burns and unanimously adopted by the Court to approve of the destruction of mattresses that were part of the portable buildings from Fort Hood as they have no value or use to the county and to destroy ballistic vests that are past their expiration, as presented. (See attached list of vests)

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to award Bid No. 15-600-031 for scrap metal sale for precincts and Public Works to Bridgeport Iron and Metal. (See attachment)

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Asset Control Officer Diana Alexander stated that no bids were received for Bid No. 15-600-032 for the purchase of pre-coat rock and that there is currently no need to re-advertise. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the trade in of trackers/upgrade of tracking devices used by the Wise County Sheriff's Department.

Alexander stated that Sheriff David Walker would like to cancel the uniform bid with Gotcha Covered. Walker stated that some of the items the county needs to purchase are not available on the Gotcha Covered bid. Walker stated the county can rebid it or go to Buyboard. Walker stated the uniform bids are quite a mess with billing, ordering, etc. Alexander stated the jail uniform bid was previously cancelled and Buyboard is being utilized for jail uniforms.

McCuiston stated that Emergency Medical Services (EMS) Director Charles Dillard requests to cancel his uniform bid with Gotcha Covered as well.

Alexander stated the cancellation policy includes a 30-day cancellation.

Motion made by White seconded by Burns and unanimously adopted by the Court to approve cancellation of the Sheriff's Department and Emergency Medical Services (EMS) uniform bids and authorize Asset Control Officer Diana Alexander to advertise for bids for Sheriff's Department uniforms and Emergency Medical Services (EMS) uniforms and keep an option to utilize Buyboard.

Alexander stated Walker wishes to replace a totaled vehicle with a new vehicle and provided a quote from Sam Pack's Five Star Ford for a 2015 Ford Police Interceptor at \$25,069.86 via state contract. (See attachment)

Alexander stated the insurance company claim was approximately \$22,000.00. McCuiston stated Walker has funds budgeted to purchase the vehicle.

Motion made by White seconded by Burns and unanimously adopted by the Court to authorize Walker to purchase a 2015 Ford Police Interceptor for \$25,069.86 from Sam Pack's Five Star Ford via state contract to replace a totaled vehicle.

Motion made by White seconded by Burns and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for one or more new truck tractor for Precinct No. 1. (No attachment)

13) Donations:

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

- \$500.00 from Sid and Bonnie Hodges to the Wise County Sheriff's Department
- Various items listed from the Wise County Youth Fair, Inc. for the Wise County Fairgrounds. (See attachment)

Back to agenda item 12: 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 Kennedy seconded by Lamance and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for pre-coat rock for use by all precincts. (No attachment)

14) Consent Agenda Item:

Department Head Reports:

- Treasurer's Monthly Report for February 2015. (See attachment)
- Asset Control Officer Activity report for January 1, 2015 to March 31, 2015. (See attachment)
- Auditor's Report for March 2015 (See attachment)
 - Official Payments Corporation Payment Card/Third Party Network Transactions for 2014 for all county departments using Official Payments totaling \$631,708.21. (See attachment)
 - McCuiston referenced bidding problems that are being straightened out.
- County Clerk Monthly Activity Report March 2015 (See attachment)
- Public Works Monthly Activity Report March 2015 (See attachment)
- Clark stated that Systems Administrator Steven Melton requested to address the court under this item:

Melton stated that several changes are being made in the Informational Technology (IT) Department. Melton stated the network equipment at the Sheriff's Department has been improved; the courthouse is now wireless; increased speed/connectivity at the courthouse; and his department is trying to do more with less "stuff".

a) Budget Amendments:

FY15-14 for various line items including recognizing grassland revenue for FY2015. McCuiston stated the county received \$1,320,527.00 that is divided between the four commissioner precincts, Alvord ISD, Slidell ISD, Chico ISD and Decatur ISD. (See attachments)

Clark stated these funds are payment in lieu of taxes (PILT) funds.

b) FY14 & FY15 – 3 Year Capital Expenditure Plan: None

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c) Claims/Payroll –

- Claims Register dated April 10, 2015 (See attachment)
- Payroll Registers dated March 20, 2015 and April 7, 2015 (See attachments)

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

e) Interlocal Agreements: None

f) Contracts:

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

- Texas Department of Family and Protective Services E-Verify Contract Amendment for Contract #23939111. (See attachment)
- Tyler Technologies Court Payment Card Processing Participation Agreement (See attachment)
- EF Johnson Technologies Final Acceptance Document VHF P25 Conventional System w/ Simulcast VHF Paging (See attachment)
- Texas LPG Tank Lease and Supply Agreement with Decatur Propane for the Sheriff's Department (See attachment)
- LexisNexis Litigation Software Order for the Wise County District Attorney (See attachment)
- VistaCom for Wise County Sheriff's Department Maintenance (See attachment)
- Fast Solutions Environmental LLC for asbestos abatement at the old Guardian Title Company building (200 S Trinity Street; now Elections Administration). (See attachment)
- Depository Contract for County and Trust Funds held by Wise County with First Financial Bank, N.A. (See attachment)

Fully Executed:

- Contract Pharmacy for inmate prescriptions (See attachment)
- DSHS Data Use Agreement for the Wise County Clerk's Office. (See attachment)

Renewals: (See list only)

- LexisNexis Accurint for District Attorney and Adult Probation
 - Correctional Dental
 - Dustin Office Supply for the copiers at the County Judge's office and District Clerk.
 - TCLEEDS for the Fire Marshal/Emergency Management Coordinator.
- Clark discussed sending a letter, upon court approval, to Wise Industrial Park with the intention to not renew the lease for the Elections Administration's office space.

County Project Manager Glenn Hughes updated the court about improvements to be made at the new Elections Administration (200 S Trinity Street) building. Hughes stated external stucco work will be done; some flooring will be replaced; a few partition walls will be moved. Clark anticipates the Elections Administration department to move in around June 1, 2015.

Hughes also updated the court about the two portable buildings from Fort Hood that are located at Public Works. Hughes anticipates the departments moving in by October 2015.

Elections Administrator Sabra Srader thanked Melton for his assistance in determining what is needed technology-wise in the new building on S. Trinity Street.

Motion made by Burns seconded by White and unanimously adopted by the Court to approve all items listed under the consent agenda item with the contract renewal of the Dustin Office Machines for the Development Services copier.

15) Project Agreements for Road Repair:

McCuiston presented the following agreements for signature and court record only as both items were previously approved by the court:

- Project Agreement #2011 approved November 3, 2014 for the City of Chico for West Kentucky Street located in Precinct No. 2. (See attachment)
- Project Agreement #3015 approved March 16, 2015 for the City of Boyd for Meadow Park Road located in Precinct No. 3. (See attachment)

16) Right-of-Way Improvement Requests:

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve Burns' request to contact Trinity Industries (or current landowner) regarding the land between CR1590 on Sandy Creek channel and FM1655 located in Precinct No. 2. (No attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve Lamance's request to enter onto the property of Charles King 1129 CR 4680 located in Precinct No. 3 to clear brush on a quarter-mile of fence row with no fence replacement and possibly dig four post holes.

17) Burns Ban:

Motion made by Burns seconded by White and unanimously adopted by the Court to order a 90-day burn ban based on National Weather Service red-flag days, as printed. (See attachment)

18) Committee Reports:

Fire Marshal/Emergency Management Coordinator Chuck Beard stated that on March 31, 2015 the county signed off on preliminary acceptance with EF Johnson Technologies for the county radio system. Beard stated that everything left to do is on the county side. Beard anticipates final acceptance on June 1, 2015 and stated the system will have a two year warranty.

Walker stated if any departments are going to purchase new radios in the FY2016 budget the department head needs to get with Beard regarding system compatibility.

White asked about getting off the Texoma Area Paratransit System (TAPS) board of directors?

Walker discussed the jail roof replacement/repair project. Hughes stated he sent a letter to Eikon regarding putting a temporary cover over the building (estimated cost \$90,000.00) to prevent continued damage to the building. Hughes stated that the roofing company and insurance company cannot agree on the scope of work to the project and the cost of project. Hughes told Lamance negotiations are very close.

Goode asked about the appointment to replace someone on the UTGCD. Burns stated the member cannot be on any other elected or appointed position or boards.

19) Clark announced the next regularly scheduled meetings as Monday, April 27, 2015.

20) Clark adjourned the meeting at 9:58 AM there being no further business to be had.

Minutes approved this 27 day of April, 2015, as printed.

J.D. Clark, County Judge, Wise County

Danny White, Commr. Pct. No. 1

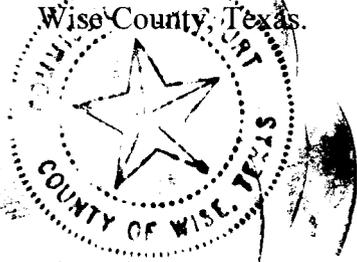
Kevin Burns, Commr. Pct. No. 2

Harry Lamance, Commr. Pct. No. 3

Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Lemo by *Sherry Lemo* *by* *Sherry Lemo* *Chief Deputy*
Sherry Lemo, 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