

OCTOBER 13, 2014

## WISE COUNTY COMMISSIONERS' COURT MEETING

On this the 13<sup>th</sup> day of October, A.D., 2014 at 9:05 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:

Glenn Hughes (Interim)	County Judge
Danny White	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Harry Lamance	Commissioner, Precinct No. 3
Gary Potts (Interim)	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.

Interim County Judge Hughes votes aye on all agenda items unless otherwise indicated.

- 1) Hughes called the meeting to order at 9:05 AM. All court members are present.
- 2) Bids:

Asset Control Officer Diana Alexander requested clarification regarding signature by Alexander or County Treasurer Katherine Hudson of delivery receipts for vehicles. Alexander stated that she has discussed this with Hudson and both agree that it is best for the person actually receiving the vehicle to sign and then send all other vehicle related paperwork to the County Treasurer for signature/essing.

Alexander requested court permission to advertise for bids for sale of county property antenna and cabling at the Warner tower "as is, where is". Alexander stated that some of the items to be sold were purchased with Homeland Security funds and she has received permission from the state to sell the items.

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for the sale of equipment on the Warner tower.

Commissioners Court Attorney Thomas Aaberg requested that Alexander state in the bid that the awarded bidder retrieving the equipment is bonded or insured as they will be on the Warner tower. Burns stated "it is whatever insurance he [Warner] requires, not us as it is private

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property." Aaberg agreed. Burns stated the county has no authority. Alexander stated she will note in the bid that the awarded bidder will have to work with Warner regarding the tower.

Alexander discussed the ¾ ton truck bid with the court and requested clarification. Burns stated that as the county is in a new fiscal year the court should reject all bids and re-advertise for bids.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to reject all bids received on Bid No. 14-600-047 for the purchase of one or more new ¾ ton truck for all departments.

Burns stated the court will need more vehicles and requested to re-advertise for bids for ¾ ton trucks.

Motion made by Burns seconded by Lamance and unanimously adopted by the Court to authorize Asset Control Officer Diana Alexander to advertise for bids for the purchase of one or more new ¾ ton trucks for all departments.

***Skip to agenda item 11h: Correspondence***

Nathan McQuillan with Eikon presented information to the court regarding the Wise County Law Enforcement Center/Jail Facility Roof Repair project. (See attachment)

McQuillan outlined the following from the handout:

- Significant time savings using Design Build (TIPS/TAPS Cooperative Purchasing Program) vendor CASTRO Roofing (five weeks) versus Design Bid Building – Tradition (twenty to twenty-five weeks).
- Insurance claim review items value in excess of \$170,000.00 because adjuster calculated standard standing seam roof (being paid by insurance company) when the existing roof is structure standing seam metal roof; adjuster did not include cost for performance and payment bond; adjuster did not include cost for warranty fee; adjuster did not include cost for design professional fees.
- Labor and Manufacturer's Warranty – Standard Industry Labor warranty: one to two years; TIPS/TAPS CASTRO Roofing Labor Warranty: ten (10) years with a twenty (20) year manufacturer's warranty.
- Post Construction Monitoring- Standard Industry: None; TIPS/TAPS CASTRO Roofing: Annual Inspection and reports as well as FIRST WATCH Storm Readiness Program (on-site response within hours of event)

Lamance asked McQuillan about the labor warranty? McQuillan and Burns explained that CASTRO Roofing is on a cooperative purchasing program and discussed possible sub-contracting of the labor. McQuillan told Lamance that CASTRO Roofing warranties the labor for ten years with a twenty year manufacturer warranty.

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Burns commented this item can be acted on under agenda item 2.

***Back to agenda item 2: 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 Burns seconded by Lamance and unanimously adopted by the Court to proceed with the Wise County Law Enforcement/Jail Facility roof repairs as presented by Nathan McQuillan of Eikon.

3) Donations:

Motion made by Burns seconded by White and unanimously adopted by the Court to accept the following donations with the court's thanks: Cans for Canines and Cats \$364.00 for Animal Shelter; Alvord Cemetery \$500.00 for Fund 77. (No attachments)

4) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to adopt Resolution FY15-03 authorizing county grant to Wise County Committee on Aging under the Texas Department of Agriculture Texans Feeding Texans Home Delivered Meal Grant Program. (See attachment)

5) Motion made by Burns seconded by White and unanimously adopted by the Court to adopt Resolution FY15-04 for local fund participation waived Federal Off-System Bridge Program projects and equivalent-match project for the county owned bridge located on CR 2327 (Pct. 1) at the tributary of Black Creek NBI Structure No. 02-249-AA02-41-001 (estimated local match \$67,966.86), as presented. (See attachment)

6) Motion made by White seconded by Potts and unanimously adopted by the Court to adopt Resolution FY15-05 for local fund participation waived Federal Off-System Bridge Program projects and equivalent-match project for the county owned bridge located on CR 1590 (Pct. 2) over Big Sandy Creek NBI Structure No. 02-249-AA01-13-003 (estimated local match \$70,482.00), as presented. (See attachment)

7) Burns presented Robert Clinesmith of Grasslands Estates, Lots 1-4 (Pct. 2) who requires a replat as a drainage easement is on the wrong lot. Burns stated this should have been caught by the outside engineer Kimley-Horn and Associates, Inc. when the final plat was done. Burns requested re-plat approval without a county platting fee paid to the treasurer since it is the county's mistake.

Motion made by Burns seconded by White and unanimously adopted by the Court to approve the re-plat of Grasslands Estates, Lots 1-4 located in Precinct No. 2, as presented, with waiver of county platting fee (not recording fee) and a letter of general conformance from Kimley-Horn and Associates, Inc. (See attachment)

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Clinesmith presented tax certificates to the court and requested (based on court action above) refund of the re-plat fee that he paid prior to this meeting. Burns told the court that Clinesmith should be refunded the re-platting fee (paid to the County Treasurer).

Clinesmith clarified the plat recording requirements.

8) Hughes told the court that Sheriff David Walker has come across some modular buildings at Fort Hood. Walker stated that he is working on getting the building permitted that was approved for acquisition at the September 15, 2014 meeting. Walker stated that Hughes talked to Walker about getting more buildings if possible. Walker outlined the process required to acquire the buildings.

Burns asked the size of buildings? Hughes stated approximately 1,600 square foot. Walker stated the buildings are approximately 26 1/2' by 52' in size. Hughes stated it was discussed to set two of these buildings up on Public Works property on FM 51 S in Decatur.

Hughes stated that by acquiring these buildings (and placing on Public Works property) the county could eliminate all rental property with the exception of the rented parking lot on Walnut Street.

Burns stated the county must still meet the City of Decatur's requirements. Hughes estimated the cost of moving the buildings from Fort Hood to Decatur at approximately \$30,000.00 total with another \$20,000.00 per building to improve the buildings to make them look nice. Hughes estimated \$6,000.00/month total rental cost paid by the county. Hughes told the court that after a year's time the cost of two buildings would almost be flush with the monthly rental expenses.

Burns moved to acquire the buildings if possible.

Lamance asked about checking with the City of Decatur? Hughes stated Walker met with City of Decatur and nothing is written in stone. The court discussed aesthetics of the buildings and city requirements. Walker stated the deadline to have the buildings removed from Fort Hood property is October 20, 2014. Walker stated the moving cost for the building approved on September 15, 2014 was approximately \$14,000.00.

Walker discussed having Goode tear down two buildings at the impound yard that have roof damage and possibly acquiring a building from Fort Hood to put at the impound yard. Hughes commented about the construction of the modular buildings at Fort Hood.

Hughes stated there will be some additional expenses for outfitting the buildings for office spaces. Lamance asked about departments officing out of these buildings? Burns told Lamance it is not the court's decision it is Hughes' decision as he is over Courthouse and Associated Buildings.

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Motion made by Burns seconded by White and unanimously adopted by the Court to approve the acquisition of up to three modular buildings from Fort Hood via the TX1033 Program with a deadline of acquisition of October 20, 2014.

9) Hughes told the court the county received a letter from area fire chiefs stating their concern about the inadequacy of the county radio system. Hughes stated the current system can be brought of up to grade and will take a lot of time and work. Hughes commented that Fire Marshal/Emergency Management Coordinator Chuck Beard has the knowledge to get the system updated but doesn't have the time.

Beard commented that he came to the county at the end of the radio system project. Beard continued that he has received many questions from the fire departments regarding the radio system and he doesn't really know what to tell the fire departments. Beard stated that there are things that have taken place (within the system) that appear to have not been thought through before the county can move over to the new system for fire department use. Beard commented that he doesn't have the man-power or time to do this. Beard commented about vendors he has contacted that do not want to work on the radio system. Beard stated he is meeting with a company this week and doesn't know what to expect. Beard stated Walker is in the same position with the radio system not having enough man-power or time to perform the tasks needed to bring the system up to-date.

Hughes asked Beard if he needs a dollar amount (\$10,000.00 to \$30,000.00) to provide vendors in order to fix the radio system? Hughes advised the court that Beard is working on this issue and perhaps can provide more information at the next court meeting.

Lamance asked, "Didn't we spend a lot of money on this project?" Walker told Lamance that county and grant funds were spent on the radio project infrastructure and now "fine-tuning" of programming and re-programming is required for both the Sheriff's Department as well as the fire departments.

Walker told the court that the fire departments received grant funds for radios and E.F. Johnson Technologies has a sub-contractor to install the fire department radios. Walker commented that the sub-contractor is "less than desirable" and this has been expressed to E.F. Johnson Technologies. Walker discussed frequencies and programming. Beard stated that some of the frustration for the fire departments is in the fact that the departments gave the county the frequency in exchange for being on the frequency and it is not happening.

Walker discussed how sporadic the programming has been with the sub-contractor. Walker discussed prioritization of projects.

Lamance asked if law enforcement is programmed properly? Walker discussed this. Lamance told Walker if the county is going to spend more money on this project then everyone (law enforcement, Emergency Medical Services (EMS) and fire departments) needs to be right. Lamance asked Beard "if this company can do that?" Beard stated he is down to the last

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company and no one else wants to touch the system. Walker stated Beard knows radio systems and suggested letting Beard talk to these companies and provide information regarding dedicated time to the project.

McCuiston stated the county is paying for tower rentals and "we need to see if we really need these." Beard told the court that part of the project is staying on existing rented towers with the capacity of two radios. Beard discussed the paging system and required programming. Beard stated the "backbone" is there and was provided by E.F. Johnson Technologies who went above and beyond on the project.

Walker told the court that Sheriff's Deputy Chuck Gomez is trained for programming. Hughes confirmed the court consensus to allow Beard to discuss with vendors and provide information at a future meeting.

Burns asked about giving Beard the authority to contract with a vendor regarding radio system programming so this item doesn't have to come back to court? Hughes confirmed this and added an amount of under \$50,000.00. Beard stated no company will do it for less than \$50,000.00.

The court discussed how to fix this radio system. Walker stated the county got what it could afford. Burns added "and what Homeland Security grant would pay." Walker discussed previous bidding.

Beard commented that the county won't know what the system is going to do until users are loaded. Beard stated it should work in theory. Beard stated there will be coverage issues and holes. Burns commented that the county was aware of that early on in the process and the court discussed this further.

Motion made by Burns seconded by White and unanimously adopted by the Court to authorize Fire Marshal/Emergency Management Coordinator Chuck Beard to contract with a company for radio programming for the county radio system for a cost up to the legal bid limit (\$50,000.00) with anything over \$50,000.00 coming back to court for advertisement of bids. (No attachment)

Burns asked how many units (microphones) the county currently owns? Beard estimated 300-500 units. Walker discussed current procedure for the purchase of new vehicles as well as EF Johnson selling to Kenwood.

10) Motion made by Burns seconded by Potts and unanimously adopted by the Court to accept the subsequent bid offer of \$1,500.00 from Jimmy Johnson for property referenced in Suit #10066, Bridgeport ISD, et al vs. Linda Henley located in Precinct No. 4. (See attachment)

11)

a) Department Head Reports:

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- McCuiston noted for court record the 271<sup>st</sup> Judicial District Court Reporter's budget as well as County Auditor's budget for FY2015. (See attachments)
- McCuiston reviewed under Auditor's Report:
  - Close FY14 budget this week
  - Reserves increase up to estimated approximately 15% of total budget.
  - Emergency Medical Services (EMS) exceeded payroll approximately \$70,000.00. Discussed watching FY15 payroll very closely; EMS revenues increased and will cover this.
  - Precincts stayed within budget.

McCuiston commented that she will provide more information at the next meeting.

- County Clerk monthly activity report – September 2014 (See attachment)
- Public Works monthly activity report – September 2014 (See attachment)
- Asset Control Officer report July 1, 2014 to September 30, 2014 (See attachment)

b) Budget Amendments:

- FY14-32 (Close out Fiscal Year 2014) (No attachment)
- FY15-01 – Northwest ISD School Resource Officer (No attachment)

c) FY14 & FY15 – 3 year Capital Expenditure Plan - None

d) Claims & Payroll:

- Claims Register (10/10/14) (See attachment)
- Payroll Register (10/10/14) (See attachment)

e) Utility Requests: None

f) Interlocal Agreements:

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

None

g) Contracts:

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

**Fully Executed:**

- Agreement for Fire Protection with Greenwood/Slidell Volunteer Fire Department. (See attachment)

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- Agreement for Fire Protection with East Wise Volunteer Fire Department. (See attachment)
- Agreement with Decatur Public Library as a county library (See attachment)
- Agreement with Newark Public Library as a county library (See attachment)
- FY14-FY15 Agreement with Court Appointed Special Advocates (CASA). (See attachment)
- FY14-FY15 Agreement with Texoma Area Paratransit System (TAPS). (See attachment)
- FY14-FY15 Agreement with Wise County Committee on Aging (See attachment)
- Fleeteyes Web Applications and Services for the Wise County Emergency Medical Services (EMS). (See attachment)
- Texas Facilities Commission Federal Surplus Property Program Application for Eligibility (See attachment)

**Renewals:** (See list only)

- Centurylink Tower Lease
- Linebarger, Goggan, Blair & Sampson LLP for collection of delinquent fines
- Official Payments Corp.
- TCLEEDS for the Sheriff's Office
- Leadsonline for the Sheriff's Office

**For Approval:**

- Hart Intercivic for annual software license for election equipment and support renewal for the Election Administration: \$27,616.00. (See attachment)
- WBW Building Corp. for parking lot rental on E. Walnut Street in Decatur: \$1,250.00/year (See attachment)
- Memorandum of Understanding with North Central Texas Council of Governments (NCTCOG) for the Area Agency on Aging. (See attachment)
- JP Morgan Chase Bank for the Wise County District Clerk regarding e-filing (See attachment)
- JP Morgan Chase Bank for the Wise County Clerk regarding e-filing (See attachment)
- OTIS Elevator Company for the courthouse elevator: \$1,701.19. (See attachment)

h) Correspondence: None other than Eikon discussed earlier in this meeting.

Motion made by Burns seconded by Potts and unanimously adopted by the Court to approve all items listed under agenda item 11, as presented.

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McCuiston requested to further discuss the budget amendments: FY14-33 close out FY14; FY15-01 for NWISD school resource officer and some salary adjustments within line items.

McCuiston stated Lamance requested to see if he can move \$150,000.00 from thoroughfare to his precinct. McCuiston stated this is included in FY15-01 budget amendment. McCuiston stated she will add the moving of the two buildings into this budget amendment. McCuiston stated those funds will move from contingency (Capital Projects).

McCuiston addressed agenda item 11d (Claims and Payroll) stating the Auditor's office is closing out FY14 including state fees and utilities.

McCuiston stated that Walker had some equipment he needs to discuss with the court. Walker stated there is an issue with the Sheriff's Department vehicles that were bid. Walker stated the bid was for 2014 or 2015 year model vehicles and the 2014 year model was awarded. Walker continued that Caldwell Country sold the 2014 models before the county could get them and provided the county with 2015 models. Walker stated 2014 equipment was purchased for the vehicles and some of the equipment will retro-fit the vehicles. Walker stated that approximately \$13,800.00 worth of equipment will not fit and is trying to get the vendor to take the equipment back. Hughes asked about trading out the equipment? Walker estimated the total equipment cost for the new vehicles \$38,000.00. Burns commented about Walker spending at the end of a fiscal year. McCuiston commented that all equipment is coming out of Fund 61 (Capital Project FY2014).

Burns commented about not spending all money at the end of the fiscal year. Walker stated he would like a credit for the equipment. Hughes stated he will call the equipment vendor.

12) Project Agreements/Road Repair: None

13) Right-of-Way Improvements:

Motion made by Lamance seconded by Burns and unanimously adopted by the Court to approve the following right-of-way improvement requests, as presented (See attachment):

- Dennis Kunkleman 131 CR 4899 (Pct. 3) clear fence-row and bar-ditch; no fence replacement
- Tim Bailey CR 4576 and Cemetery Road (Pct. 3): move fence back at junction for corner visibility; will require some fence building.
- Jim Weston 549 CR 4699 (Pct. 3): clear trees and blind corner; minimal fence repair.
- Raymond Whatley 1654 CR 4790 (Pct. 3): cut trees and move the fence back on a bad corner; no fence replacement
- Russell Scroggins 2079 CR 4680 (Pct. 3): blind corner; cut trees, cut the grade down; no fence replacement.

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14) Burn Ban:

Beard advised the burn ban is good. Beard advised the court about weather damage on the east side of the county due to the severe weather on October 12, 2014. Beard stated he will perform a survey and assessment for submission to the state. Beard told the court it was mostly damaged power lines on FM 2264 and US HWY 81/287.

15) Committee Reports:

White reminded the court his term on the Texoma Area Paratransit System (TAPS) board of directors is almost expired and asked the court to be thinking about a replacement.

County Treasurer Katherine Hudson stated that Public Works Director Tom Goode advised November 20, 2014 is not a good date for the county-wide Thanksgiving luncheon at the Women's building as several court members will be absent. Hughes requested Hudson to pick a date and that is what the county will use. Hudson stated she will advise the court of an available date.

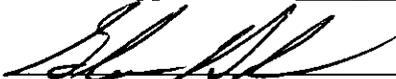
16) Hughes announced a special meeting to be held on Wednesday, November 12, 2014 at 10:00 AM for the purpose of canvassing the votes of the Tuesday, November 4, 2014 General Election.

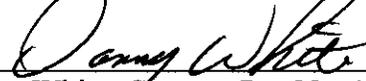
17) Hughes announced the next meetings as Monday, October 27, 2014 and Monday, November 10, 2014.

18) Motion made by Burns seconded by Lamance and unanimously adopted by the Court to adjourn at 10:14 AM there being no further business to be had.

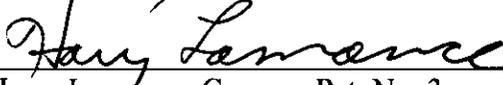
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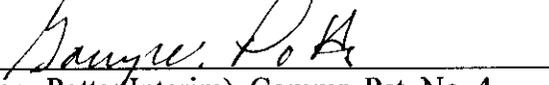
Minutes approved this 3 day of November, 2014, as printed.

  
Glenn Hughes, Interim County Judge, Wise County

  
Danny White, Commr. Pct. No. 1

  
Kevin Burns, Commr. Pct. No. 2

  
Harry Lammance, Commr. Pct. No. 3

  
Gary Potts (Interim), 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