

TIME 12:00P

TYLER COUNTY COMMISSIONER'S COURT
SPECIAL MEETING
AUGUST 1, 1988 --- 10:00 A.M.

OCT 31 1988

VOL 016 PAGE 450

DONECE GREGORY, COUNTY CLERK
TYLER COUNTY, TEXAS
DB

THE STATE OF TEXAS \$
COUNTY OF TYLER \$

ON THIS THE 1st day of August, A.D. 1988

the Commissioner's Court in and for Tyler County, Texas convened in a Special Meeting at the Commissioner's Courtroom in Woodville, Texas, the following members of the Court present, to wit:

JOSIAH WHEAT	COUNTY JUDGE, Presiding
J. CARROL CONNER	COMMISSIONER, PCT. #1
A.M. BARNES	COMMISSIONER, PCT. #2
WILLIS GRAHAM	COMMISSIONER, PCT. #3
JAMES R. JORDAN	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

the following were absent: none thereby constituting a quorum. In addition to the above were:

JANIE DUBOSE	COUNTY AUDITOR
JEAN PHILLIPS	COUNTY TREASURER

Judge Wheat gave the report of the committee which was to interview those persons interested in providing architectural, engineering and grant administration services. The committee as appointed on July 14, 1988 being: Iris Whigham - Committee on Aging, Lee M. Brown - Committee on Aging, Glenn Jordan - MHMR services, Allen Sturrock - MHMR services, Commissioner Barnes - Commissioner's Court and Judge Wheat - Commissioner's Court. The committee received only one application for grant administrator that being from David Waxman & Assoc. A motion was made by Commissioner Graham to retain the firm of David Waxman & Associates as grant administrator and that their compensation be paid from the grant funds which have been authorized for this project by the Community Block Grant Program and the \$185,000.00 grant received from the Temple Foundation. The motion was seconded by Commissioner Barnes. All voted yes and none no.

David Waxman was present to give the remainder of the report. He stated that the committee had interviewed five firms submitting proposals for architectural/engineering services. The committee's recommendation was that the Court approve the firm of Goodwin-Lasiter. Judge Wheat explained the procedures required of professional contracts such as this, as the law requires. A motion was made by Commissioner Barnes that the recommendation of the committee - that Goodwin-Lasiter be retained and approved as architect and engineer? The motion was seconded by Commissioner Graham. All voted yes and none no.

After the opening of the proposal by the County Clerk and approval by David Waxman that the proposal was \$200.00 under the budget allocation, a motion was made by Commissioner Graham and seconded by Commissioner Barnes to accept the bid from Goodwin-Lasiter in the amount of \$40,800. All voted yes and none no. SEE ATTACHED PROPOSAL.

Ed Phillips reported to the Court that he had done the job requested by them concerning the radio system at the Justice Center. He stated however that they were using borrowed equipment from the City of Woodville and needed to make other arrangements. Judge Wheat stated that the Court would have to advertise for bids again and asked that specifications be drawn to the infinite degree. Mr. Phillips stated he would perform this task with a possible charge of \$100.00.

Commissioner Graham stated that the building used by the Doucette Voting Box was in need of shingles. Discussion was had as to cost and whether another building could be used. A motion was made by Commissioner Graham and seconded by Commissioner Barnes to defer this matter until Monday, August 8 for further study. All voted yes and none no.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Jordan** to reject all bids received pursuant to advertisement in view of the fact that no bids were received for hot/mix - cold/lay and items bid were more expensive than already purchasing and that these items will be negotiated. All voted yes and none no. SEE ATTACHED BIDS.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** that approval of dues of **MHMR** for FY89 be deferred until for such time as the Court considers the budget for FY89. All voted yes and none no. SEE ATTACHED LETTER.

Commissioner Barnes made a motion to defer the re-appointment of hospital board members, **Toby Spurlock**, **Bill Brown** and **Ona Lee Seamans** until the regular meeting. The motion was seconded by **Commissioner Graham**. All voted yes and none no.

A motion was made by **Commissioner Barnes** and seconded by **Commissioner Graham** to approve of the bond of **Thomas M. Parker** as **Justice of Peace, PCT. #2**. All voted yes and none no. SEE ATTACHED BOND.

Commissioner Conner made a motion to appoint the **Election Judges** and **Alternate Judges** as recommended by the County Clerk, for the term ending July 31, 1989. The motion was seconded by **Commissioner Barnes**. All voted yes and none no. SEE ATTACHED LIST OF JUDGES.

The County Auditor made the Court aware that payment of the bill from **Trinity Communications** had been approved at a previous meeting. No action was taken.

A motion was made by **Commissioner Graham** that a segment of road in **Precinct #3** in the **G.E. Fox Survey, Abst. 958**, and described in an easement with the County Clerk, be relocated and abandon easement of the existing road. **Commissioner Graham** stated that notices had been posted at the courthouse and on the road. The motion was seconded by **Commissioner Jordan**. All voted yes and none no. SEE ATTACHED PETITION AND EASEMENT.

A resident on **Spring Valley Drive** requested that the Court accept a petition requesting the resurface of **Spring Valley Drive**. He stated that **Commissioner Conner** had been doing the best he could with what he had. **Commissioner Conner** explained that they wanted the Court to apply for some type of grant to tear the road up and do it right; that grant money had not been available, however there would be some grants within the next three years. No action was taken. SEE ATTACHED PETITION.

Wayne Williams made the Court aware of problems he was having getting paid for contract work he did on the **Justice Center**. He stated that the job bid with an inadequate set of prints and explained the process of time tables for addendums. He gave a detailed account of his affiliation with the job and stated that he was told by the architect, **Dennis Ultican** that if he would go ahead with the project and not hold it up that in the presence of **Gerald Fountain**, **John Nield**, **Woody** the engineer and **Bernard** the electrician, he would guarantee him \$6500.00 for the purchase price of the material and would take care of the problem at hand until he had an opportunity to work out the change orders, which never happened. He said he had a letter from **Mr. Nield** requesting assistance from **Dennis** on this. **Mr. Williams** stated that **Mr. Nield** told him to go ahead and order the wire and that he would stand good for the purchase price of the wire. **Mr. Williams** stated that **Dennis** told him the reason he had not submitted change orders to the Court that he was saving them to turn in all at one time. **Mr. Williams** said the changes were made because they had to be done to make the building operational and were justified. **Mr. Williams** said his contract was for \$555,000 and that he borrowed \$35,000 to finish the project. Judge **Wheat** stated that he had a letter from the architect to **H.B. Nield** which details the items in question and that **Mr. Ultican** approves \$17,000 additional expense and disallows other invoices with explanations as to why they should not be paid. **Commissioner Conner** stated that he regretted this, however the job should have been shut down until they had approval from the Court for this additional expense. Judge **Wheat** explained that the Court was bound by law

however and if the additional items had been added to the initial bid submitted by H.B. Niold, H.B. Niold would not have been the low bidder and another bidder would have gotten the job; that the contract was let based on bids submitted in the response of the advertisement; that County and City government can't spend money unless it is spent pursuant to the requirement of law. He advised that their claim needed to be against H.B. Neild and Co. and H.B. Niold could present a claim against A.I.D. architects. Judge Wheat advised the Court not pay the retainages until the Court was satisfied that all contracts had been paid and that Mr. Williams would have to find relief elsewhere; that the Court was not in the position to pay for the additional expenses incurred.

A motion was made by **Commissioner Conner** and seconded by **Commissioner Barnes** to authorize the purchase of an edger, weed-eater and paint to paint the hallways and employee's lounge area. All voted yes and none.

A motion was made by **Commissioner Graham** and seconded by **Commissioner Barnes** that the meeting adjourned. All voted yes.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED....12:00 P.M.

SIGNED: Josiah Wheat Josiah Wheat, County Judge

J. Carrol Conner J. Carrol Conner, Comm. Pct. #1

A.M. Barnes A.M. Barnes, Comm. Pct. #2

Willis Graham Willis Graham, Comm. Pct. #3

James R. Jordan James R. Jordan, Comm. Pct. #4

ATTEST: Donece Gregory Donece Gregory, County Clerk

