

March 3, 1999

Special Called Meeting

Commissioners' Court

Members present: Jack Leath	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Doyle Dickerson	Commissioner Pct. #3
Janice McDaniel	County Clerk

Commissioner Nethery is not present.

Judge Leath called the meeting to order at 10:15 a.m.

Agenda item #1-Courthouse Inspection with Architect and General Contractor

The architect, Mr. Williams, is present. The general contractor is not present.

Mr. Williams said they have received several reports from the contractor of their close out procedure. He said he feels we have had less than a desirable process and that we need to have some extra ordinary close out procedures. Mr. Williams considers some of the problems to be caused from too much of the project trying to be finished from December 15 to now. He said he told them on December 15 that the project was dragging well beyond the official completion date. There has been a fair amount of rain days and some change orders to the projects benefit. Some of the changes were to the contractors benefit. They wanted to do some things different than the way it was designed. He said he wished now that he had told them no. It has cost him and his consultants dearly. He said his fees ran out in early November and he hasn't, nor will he, be paid for all the extra time. By making some of the changes, we were able to get in the copper roof and copper gutter systems. Mr. Williams said at his December visit he was expecting to see a substantial completion and it was far from it. Terrible conditions were discovered with the built in gutter system. He said he demanded some flood test and they fell apart in the test. The contractor's workers did not appear to be craftsman and the only real roofer had left. We demanded they bring in an independent certified roofer in dealing with this kind of work. This was done and much of the work was restructured. Independent tests were done and given to us in January. There are problems with the plaster in places. It appears that proper

curing time was not given during the three-step process. He said he is not going to ask them to repair anything for sixty days.

Mr. Williams said his conclusion is that it looks good when you drive by. He said he needs to go through the details and to go over it with Carlton Thompson, general contractor. He said he couldn't sit here and tell the Court that all stuff is fixed and perfect. The naked eye cannot tell that. Time will tell. By the book, we have a full one-year parts and material warranty from the middle of February. He recommends that some or all of the \$23,000.00 be retained at least during the full year of warranty and an extended warranty on the gutters. A hearing can be set for February 15, 2000 and if the County feels everything is okay, then consider releasing the money in escrow. He said that his contract is with TXDOT and not with the County. TXDOT is working cost plus on this and will not tell him exactly how much money is left in contingency funds. He thinks it is approximately 6 to 8 thousand. He said if the Court wants him to try to get this money, he is asking to be paid for some hourly time. Should not cost more than \$1,500.00 maximum on his part.

Judge Leath moved to retain in escrow a minimum of \$15,000.00. We will review the status of the escrow account at the end of one year and decide what to do with the account at that time. We will not pay anything for sixty days from today. The Court authorizes Mr. Williams to get the remainder of the money in the contingency fund and to pay him a maximum of \$1,500.00 contingent upon the County receiving the money in the contingency fund. Commissioner Dickerson seconded. All voted for. Motion carried.

Commissioner Clark moved to adjourn. Commissioner Dickerson seconded.

Meeting adjourned.

Jack Leath

COUNTY JUDGE

Keith C. Clark

COMMISSIONER PCT. #1

Lynn Smith

COMMISSIONER PCT. #2

Doug Dickerson

COMMISSIONER PCT. #3

NOT PRESENT

COMMISSIONER PCT. #4

ATTEST:

Janice McDaniel

COUNTY CLERK

LEE 819