

MINUTES

Aransas County Commissioners Court Special Meeting



3:00 PM – Thursday, March 21, 2024

The Aransas County Commissioners Court met on Thursday, March 21, 2024, 3:00 PM, in the Aransas County Courthouse, 2840 Hwy 35 N, Rockport, Texas. Aransas County Commissioner’s Court meeting video recordings are available by following this link: [Commissioners Court Minutes and Agendas \(aransascountytx.gov\)](https://aransascountytx.gov), then scroll to the bottom of the page and select the date you wish to view.

Present: **Ray A. Garza**, County Judge
Jack Chaney, Commissioner Precinct 1-1A
Leslie Casterline, Commissioner, Precinct 2
Pat Rousseau, Commissioner, Precinct 3
Robert Dupnik, Commissioner, Precinct 4-4A

- I. CALL TO ORDER
- II. ROLL CALL
- III. DECLARE QUORUM
- IV. ITEMS FOR DELIBERATION AND/OR ACTION
 - CITIZENS TO BE HEARD

- **Jeff Hutt** 221 Prairie Rd. I’m here with the Appraisal District I would like to bring awareness that the appraisal district is looking for an Agricultural Appraisal Advisory board member. This is an important position within our county we have had a hard time filling the position. If you are interested please contact the appraisal district. Just a couple of details about the position you have to own agricultural land, have to be a resident of the district for five years, it would be a two year term. The board normally meets once a year, so it’s not a heavy lift on people and according to the statues the board shall advise the chief appraiser on the valuation and use of land that may be designated for agricultural use, or that may be an open space for agricultural or timber land within the district.

1. Discuss, approve or disapprove Change Order #16 from Teal Construction for the following change: **CPR 81.1** – General Condition up to January 31, 2024 – this change request covers expenses incurred by Teal Construction and all subcontractors that are related to the delays in deliverables noted in approved Change Order #006 that revised the substantial completion date to January 31, 2024; the cost of this change request has been reviewed and approved by Mike Monreal and Mark Williams with the Broaddus Company after review and discussion regarding schedules and expenses incurred – Add \$328,900 and Zero (0) days – Elle Moralez/Judge Garza

Motion to approve: by Commissioner Casterline, motion was seconded by Commissioner Chaney
Discussion followed: Judge Garza General Conditions up to January 31 from what date to January 31?
Mark Williams the original date of substantial completion which was close to the end of September through January 31.
Judge Garza can you find that date, make a phone call to get it. I want to see how many days that is altogether.
Mark Williams it was 116 days altogether.
Commissioner Rousseau at one point the date had been moved to sometime in November is that not correct around November 2023?

Mark Williams There was a change request to add 58 days but that was an addition to this request. But we have not approved that additional request for 58 days due to the impact for the submittal for \$328,000. The process took on the elevator. Originally that change order started out at \$508,000. Mike Monreal, Jason, and I went through some of the issues that were in that change order we got it down from \$508,000 to \$328,000.

Commissioner Rousseau yes, \$228,900 is what I have.

Judge Garza for the 160 days it comes out to \$2,800, give or take which is about \$20 bucks, a day.

Mark Williams August 4 was the date you asked for Judge Garza.

Commissioner Chaney waiting on material to come in, such as the elevators and the transformers, should have been looked at ahead of time. This set us back and I don't think the county should be held accountable for stuff. That should have been done in the beginning. We looked to Broaddus to help us out with these issues and I think they did to some degree. But Teal which I backed for this job, have been having issues one thing after another and I am just sick of it. I know there are some things you all can't do. But putting the wrong flashing on the outside of the buildings. And some of this stuff has been silly for example you contract for the roofing but you don't have the clips. You put the wrong windows and things like that. It is up to the professionals to do it and to do it right. That has just not been the case in a lot of stuff, and I'm really tired of it.

Judge Garza it comes out to 150 days which is \$2,192 a day what are we paying for that. Jason can you speak on that what are we paying for \$2,000 a day?

Jason Teal Construction that is our General Conditions for being there every day. To address both issues. When we ordered the elevator we were given a delivery date that would have been done in time. Then elevator became delayed, which was not our fault but it was the fault of the elevator manufacture.

Commissioner Chaney I understand what you are saying, that has been the line all along. There are other elevators out there. When they gave us a timeline and then they couldn't meet the time, and I don't mind it being two weeks late or even two months late. But when they're a year and a half late then we should have changed elevator companies. I realize you build for a specific elevator but this project has just gotten so far behind. Transformers I know that is a problem that was a worldwide problem and that wasn't just Aransas County.

Judge Garza Jason, have you ever built a commercial building before?

Jason Teal Construction of course I have.

Judge Garza have you built any that have elevators?

Jason Teal Construction of course.

Judge Garza have you ever had delays associated with elevators?

Jason Teal Construction yes sir.

Judge Garza why did you order the elevator so late. I know there is back and forth on information, but you ordered them late even though they said you're going to get them in time you still ordered it late.

Jason Teal Construction I don't agree with that. We can argue what's late. We ordered the elevator at the first opportunity we had to order the elevator.

Judge Garza what date was the elevator ordered?

Jason Teal Construction at this time I can't tell you the date.

Judge Garza I think it was February of 2023 when you broke ground April of 2022. It seems like the company caused this problem by ordering the elevators late.

Commissioner Dupnik you can't order the elevators unless you get everything through the architect and your project management company. So the question would be from that timeline, once you received everything you needed, what date should the elevators have been ordered.

Justin Teal Construction I don't know the order date but the delivery date we were guaranteed by TK Elevators was prior to the end of the year. The only known thing that would have been issue were the controllers for the elevator themselves. Those were known to always be here late in December which was right up to the last minute. I think it was in October, somewhere along there, they gave us a revised delivery date. And that's when things started getting pushed out.

Commissioner Dupnik the question would be, whenever you received the information from Broadus you didn't sit on it.

Jason Teal Construction no sir not at all.

Commissioner Rousseau There was still a loss of about nine or ten months with communications going between PGAL and you, or your subcontractor, correct? From April of 2022 to February of 2023 nothing was moving forward. PGAL was saying this is the elevator we want and these are the specs. And I believe the elevator company was coming back or the subcontractor was saying this is the elevator we're proposing and there was just no movement on either side that was a long time to waste.

Jason Teal Construction there is a basis of design typically for elevators and there's acceptable elevator manufactures I believe TK Elevators was an acceptable manufacturer so that's the one we went with. It was also the cheapest for the county. We signed up, got the order processed and we went back and forth with submittals. There were design issues for the elevators that we had to work through before we could order the elevators. We ordered the elevator at the first opportunity we could.

Commissioner Rousseau could you explain what the general conditions entail?

Jason Teal Construction General conditions are the time for our project team on site, temporary power, temporary water, cleaning labor and all the things that it takes us to be there to function and operate every day.

Judge Garza the elevators weren't there, and the exterior is not complete, no roof on the tower, nothing is complete. How do we owe you general conditions up until January 31, when today you're not even complete?

Jason Teal Construction at the time the elevator was the critical path. It still is the critical path right now. Besides the Jail Standards, so the critical path take precedence in the schedule so when there were things that were delayed, which was out of our control and we have to be there for them, then the general conditions reimbursement kicks in.

Judge Garza how long has the elevator been critical path?

Jason Teal Construction not since day one, I have to look at the schedule I don't know that answer.

Commissioner Casterline it seems strange that the critical path is just the elevator and you stop work on other stuff too because you have an excuse to stop.

Justin Teal Construction no we don't stop we keep moving.

Commissioner Casterline the judge was saying the outside of the building is not done. The tower is not done, the appearance is that you did not work on it while you were waiting on the elevator. I think you're going to drop the elevator down thru the tower right.

Jason Teal Construction correct. There are a lot of things that can be worked on and still get worked on but there's also many things that are driving those items. If we were to take the elevator off the critical path then it shifts to some other scope of work or something else. RFI delays, change order delays, and getting answer delays, which drive out scopes of work as well. Let's just say we took the elevator out of the schedule, the critical path would then shift to something else. I promise you if there's and RFI, change order, or something that's pushing it along further than when it was supposed to be completed there are many things pushing this job. This snapshot of time to January 31 it's the elevator that trumps everything else.

Judge Garza critical path could shift to something else that you're responsible for. So if you took the elevator off the critical path and let's say, put the exterior on the critical path to rip it out and redo it, that wouldn't be on us?

Jason Teal Construction I don't know the details, to rip it out or redo it part of it. The field report is yet to be investigated. In general if it's installed wrong, no we wouldn't expect you to pay for that.

Judge Garza but it's easy to keep the critical path on the elevator, because you were promised that it would be delivered in time. We were promised to have a courthouse last fall according to schedule.

Mark Williams a lot of the RFI's come in before work can take place. However the exterior of the building, I differ with Jason on that. The foundation was built incorrectly and it slowed the shell Crete down, which in turn slowed the brick down, so all of those things fall behind. A contractor error. So the outside of the building I think is different than this RFI issue that we're talking about.

Judge Garza for Teal to keep the critical path on the elevator you have no control over, that I would say switch it to something else and then we wouldn't owe you all this money.

Jason Teal Construction you can't switch the critical path. The critical path is what's the most furthest out right and the most critical component to occupy the building. You can't occupy the building without the elevator.

Judge Garza you can't occupy the building without a roof on the tower.

Commissioner Dupnik *unable to hear commissioner.*

Jason Teal Construction we took our actual costs and we went thru this with Broaddus. We pulled our actual job cost for all of our general conditions items and we went thru every single line item. And some of them were even taken off and I think I've even given a discount on there too.

Commissioner Rousseau you couldn't work on the elevator but there was still work to be done so you would have to be there to oversee the work that was going on at the courthouse.

Jason Teal Construction portions of it sure in this scenario. No the elevator was driving the critical path.

Commissioner Rousseau it doesn't seem quite right it seems like there was still a need for the crew, electricity, cleaning, and your project team to be on site. So even though they couldn't work on the elevator they were still overseeing other jobs that were going on. It was my understanding, and it could be incorrect, that until you had the trailer up at the high school, some of the staff's time in the trailer for our construction site was also being spent overseeing the high school. Which I can understand that's fine, but you don't necessarily need the trailer right at the beginning of that project. But then perhaps instead of paying 100% of what the general conditions would be per day maybe we should be paying 60%.

Jason Teal Construction right now none of our staff that is working on the courthouse is being used for the high school.

Commissioner Rousseau no, not right now. This was in the initial days when the project was just getting set up at the high school before you had the construction site quartered off.

Justin Teal Construction No one on our staff at the courthouse today is working on the high school. Heaven might have popped over there once or twice but she's 100% dedicated to this job there is no time split between those two projects. We can't due to all the issues we are having here.

Judge Garza the \$2,000 that includes a supervision.

Jason Teal Construction yes sir.

Judge Garza the Commissioners were saying supervision, but you are not supervising elevator stuff. But you are supervising work that has not yet been done prior to September 4th.

Jason Teal Construction the substantial completion date was moved and approved in another change order to January 3. This is a catchup to that change order to pay for the added cost for us to be there to January 31.

Judge Garza if you remember back you were supposed to be done with everything. Beyond the elevator. I think there was talk of getting rid of the trailer after September and go to a skeleton crew.

Justin Teal Construction we just can't get there because of all the issues, not only issues with our subcontractors but across the board. It's just not feasible right now we were just talking about the 1st of June and being able to get rid of the trailer. There's too much going on.

Commissioner Chaney I think the Commissioners have done everything that we could to make this project move on. I'm a little disappointed in Broaddus because they should have had their eyes and ears on the ground. A lot of the stuff we are talking about right now we should have been talking about it a year in a half ago. Not as it comes up, not wait until it's a problem. I know we still have some problems with the 120 volt power on one wall and the cable for internet on another wall you can't have one without the other. We have not been brought up to date with these projects.

Mark Williams Commissioner Chaney we did bring this up to the Commissioners back in October. I think before then, in our project meetings as being a delay and a change order.

Commissioner Chaney you brought it up to us as it was already a problem. At least the judge should have been made aware on day two that we had a problem. On day one. I don't understand why all this stuff is clumped together when all of sudden it's \$100,000 or \$85,000 or \$200,000 that may not be much against the total cost of the project but this is a bunch of money for us.

Mark Williams the problem doesn't become apparent until it sometimes too late.

Justin Teal Construction when we are made aware of issues out of our control which we call force majeure, we immediately send a delay notice to the county and we have done that for all these items and it's all documented.

Judge Garza where are the elevators at now? Do you have them installed?

Jason Teal Construction the first one is almost done and we are waiting on the second one.

Haven Vasquez the second elevator is here and the third has a portion of it here. They are working on the second one and first elevator right now.

Commissioner Rousseau so the first one is not complete, but most of it has been installed. So the components of the second elevator are in the courthouse.

Commissioner Dupnik this cost is basically for your operating expenses associated with supervising the job right?

Commissioner Dupnik The cost your administrative supervisory is associated with work that they've been doing. Does that include in this cost even though you're saying you could pull off of this project and make another project a priority. I just don't understand why there's the same amount of cost in there when this project is sitting still, for lack of better word and that means you have lost some productivity time. But your crew was still working and you are still utilizing your administrative support, your building, and everything as far as that goes. You are still using that to manage other construction work.

Jason Teal Construction no, sir. The only one is Jamie which is our project coordinator and her time is charged accordingly for the hours she works. Haven is 100% dedicated to this job and so is Justin and in fact I think I have Justin charging a third of his time to this job to help ease the pain and a third of his time we are eating it in overhead.

Judge Garza the supervision part you're still going to be there because the stuff that should have been done in August you're still working on it.

Jason Teal Construction when we were granted the revised substantial completion date we didn't know at that time that was on the original change order we reserved the right to give the cost for general conditions associated with this.

Mark Williams Mike Monreal and I deliberated quite a bit with Jason about that and because it is force majeure and extended the general conditions to January 31. It drags everything with it so we did approve the change order for \$328,000 but it is a fact that it is a part of that extension of the contract time.

Judge Garza if I knew back then that general conditions were going to be added I would have said no, and when you ordered the elevators did they give you a date prior to August 4. You were still supposed to be done before the completion date.

Jason Teal Construction no we didn't have a date at that point and they were never going to be there before August because of when they finally got approved.

Judge Garza no when you finally ordered them.

Jason Teal Construction no when they finally got approved. To order then when we got the first date that's when we started mentioning the delays. If I remember correctly we had another extension of the substantial completion date after August for something else. And then within all that time, is when the elevator issues started occurring. I just want to reiterate we are not doing this to try to be bullies we're following the terms of our contract with the county. As force majeure showing the critical path, we're doing nothing more than that.

Judge Garza are the drawings being followed and being built according to the drawings.

Jason Teal Construction there is going to be mistakes every now and then. Nobody's perfect in construction, that's part of our biggest job is to make sure things are getting done correctly, if not we have to correct it. And if we get a field report we have to correct it, that's part of what we are doing.

Commissioner Rousseau Mark are you saying the argument that the elevator was the force majeure is part of our contract and there for covered.

Mark Williams's yes that is right it is.

Judge Garza from what date though because whenever you ordered the elevators what day were they promised.

Jason Teal Construction it's in an email from TK to us, as part of the change order.
Judge Garza can you have someone in the office look up the date and send it to you. I'll wait.

Commissioner Rousseau are we to anticipate that there's going to be another change order for similar general conditions payments?

Mark Williams at this point we asked for Teal's native file of their schedule of construction and we have some specialists that are taking that native file apart. Looking at the critical path and determining what's still left outstanding and if there's basic work scope outstanding. Then additional general conditions from that point forward until those basic scope items are completed and they are not allowed any additional general conditions. Now should those Jail Standards issue that we've got going on, that's a potential general condition extension of time and that falls back on PGAL for lack of compliance with the Texas Jail Standards.

Judge Garza what was our original completion date.

Mark Williams August 4th before any delays.

Judge Garza when the elevators finally got approved and ordered what was their promised date to deliver?

Jason Teal Construction September 1st, then it got pushed to October 30th, then December 31st, then January 22nd, and then the first one actually arrived February 22.

Judge Garza the first promised date was after our completion date so you were never going to make the date.

Mark Williams the original date for the delivery of the elevator was within the basic contract time.

Commissioner Casterline Mark do we have a list of all the other possible things that could go wrong. We have the elevator thing and the Jail Standards.

Jason Teal Construction the elevator right now, there's still another component that we submitted in October of last year because of the extended delivery date. Then the install time which was always going to push us back

Commissioner Casterline the elevator was always going to be an issue because of the controls.

Jason Teal Construction the delivery was part of it originally but then the whole thing got delayed from the manufacturer in October. We submitted a delay because of when they said the elevators were going to be here plus the install time was pushing us pass January 31, and the inspection.

Commissioner Casterline I'm asking for a list because I have a feeling there might be a list of other issues we are all having a hard time letting all of this soak in. Why all of things that aren't related, are not finished.

Jason Teal Construction there are many RFIs, design changes, change requests pushing things out if it.

Mark Williams there is a disconnect between the interior and the exterior drawings.

Jason Teal Construction Jail Standards is the one that is pushing everything out the right now.

Commissioner Casterline I think it's time that we know all the possibilities.

Mark Williams I'm drafting a letter for distribution tomorrow to you guys and it basically covers the EFIS (Exterior Insulation & Finish System) that we are having a problem with right now. We have some issues with some incongruences around the

elevation of the building all the way around. We are going to let Teal know in a formal letter that it is non-conforming work. And we've got to resolve how we are going to fix this. It complies with the contract documents that meets with the satisfaction of the architect.

Commissioner Casterline it's my understanding we had the same issues at the City Hall.

Mark Williams yes, this is correct.

Commissioner Chaney we need a list so that when we are at Commissioners Court we can check something off.

Mark Williams Elle and I have an ongoing list some of the things are minor.

Commissioner Chaney I want a copy of that list.

Mark Williams we try our best to handle a lot of this without having to worry you about it. I understand what you are saying and that will be delivered to your next week.

Judge Garza you mentioned earlier that you ordered the elevators and the promise delivery date was within time right. Let's just say it was the end of September and they promised us the delivery date of September 1st, a delivery date you are never going to get that building finished within a month for the elevators to be installed because I think you said it takes six weeks or 10 weeks for an elevator install.

Jason Teal Construction its takes five weeks lead time and then a six week install.

Judge Garza you were never on schedule. You were never going to hit your schedule we did you a favor and gave you more days but you were never going to hit your schedule. And that's why I go back to when you ordered it too late, or it got approved to late, which is not our fault and now the taxpayers have to pay for \$328,000. I would like to make that point that you were never going to make that date because the elevators were ordered too late.

Justin Teal Construction early January of 2023, I believe it was January 4, 2023 that we received confirmation from TKE that the elevator had been ordered and was in production. Standard lead times for elevators at that time were 20 to 24 weeks. That is roughly five months which gets the elevator to us by May 1. Which then allows us 90 days to get elevators installed and finish the work around them and get the buildings wrapped up by the middle of August. August 10 was our completion date which was moved back originally. It had something to do with infrastructure around the building. We weren't able to get started exactly the day we were supposed to so it moved from August 4 to August 10. Then in late May we received information from TKE and that moved the delivery date back to September because they were unable to get parts at that time which turned into a delay notice to the county, notifying them that September 1st was now our new date to receive the elevator. As we got into August we received another that moved it back to the end of October, then we got to September we got another notice that moved it back to the end of December, as we got into November or early December the date moved again unit January 22. Then we finally received the first elevator on February 22, 2024. It was actually sent to our job site after 10 months of delays that were outside of our control. That's why the elevator is driving all of this. We can get into the coordination studies all the electrical that has to go into it, when it was ordered, or why there was a time in history back in 2022 that the elevator wasn't ordered. But the fact of the matter is January 4, 2023 we had conformation that the elevator was in production under normal delivery times we

should have had those in May of 2023. But in reality we did not start receiving the elevator until February of 2024 and that's why this whole thing is pushed out.
Commissioner Rousseau I would say when TKE provided that estimate of delivery they knew it was incorrect. I would like to call this to question.
Vote: Motion carried 3-2: Commissioner Rousseau and Judge Garza voted no: it was so ordered

2. Discuss, approve or disapprove Change Order No.3 for construction contract for Loop 1781 in the County's General Land Office Community Development Block Grant-Disaster Relief (CDBG-DR) Contract #20-065-098-C270, to LCT Total Transport, LLC; the Change Order increases the contract time by forty-five (45) days and increases the dollar amount by \$116,594.00; additional work consists of mailbox installation, safety end treatments and riprap – David Reid/Judge Garza

Motion to approve: by Commissioner Chaney, motion was seconded by Commissioner Casterline
Discussion followed: **Commissioner Casterline** they are wanting to put more riprap around some of the drainages.
Commissioner Rousseau in the background it says additional work is due to inaccurate quantities in the construction plans that's significant. I was going to ask about item numbers three & four on the second page I don't know how to describe them it just says SETY 2 18 inch, does anybody in construction know what that means? Do we pay for mail boxes? I would like to make a statement it's been an observation that we didn't have an agenda item for citizens to be heard on our special meetings. But I know for the past two meetings we have allowed the citizens to be heard. I think if we are going to allow that, then we need to add it, so that other citizens will know. I would also mention that the agricultural board already has people who volunteered to serve.
David Reid this is change order #3 for 1781 loop there was some additional mailboxes that needed to be put in. In some safety end treatments, some riprap, and also 45 more days.
Commissioner Rousseau David you had mentioned in the background that there were inaccurate quantities in the construction plan.
David Reid yes, it was partly miscounted, partly new stuff, new driveways have been put in since the plans were done, and the survey was done, combo of both.
Judge Garza increasing the project contract time by 45 days, are we going to be hit with General Conditions.
David Reid no.
Commissioner Rousseau how close to completion is this project?
David Reid very close it shouldn't take the 45 days but I don't want to come back and ask for more time.
Commissioner Casterline is this money that's coming out of the extra that we had.
David Reid yes, it is. Some of this cost or changes we felt were in the best interest of the project
Commissioner Rousseau I see the start date was December 12 of 2022, then when it says construction contract end date April 25, 2024, are these additional days?
David Reid I'm not sure about that. The change order should have the original date on it but I don't have that in front of me.

Commissioner Rousseau where it says sub recipient contract end date that's our date for the grant correct? August 31.

David Reid yes, correct.

Commissioner Rousseau we need to get this done before August.

David Reid yes, we're at 95% right now I don't think August is going to be an issue.

Vote: Motion carried 5-0: it was so ordered

3. Update the Commissioners on the progress of the new Courthouse – Judge Garza

Discussion followed: **Elle Morales** I have a list to provide for all of you. We go to PGAL because they are the architecture they provide the information to Teal, Teal then comes back with pricing, that pricing is substantial, \$70,000, to put in some outlets for data. We have not been bringing those forward to Commissioner Court at this time, like the signage which was \$100,000 because it had general conditions on there. At this point I'm not sure how we're going to move forward, but there are items that still need to be completed in the courthouse. Then there's some exterior things that Mark will talk about. We had a little briefing this week about the exterior.

Mark Williams Sarah Patrick with Architects. Sarah Patrick sent us a field report we this week and it displays some conditions in the exterior finish insulation system that waver around the edge of the building. The distance from the soffit down to the exterior insulation finish systems varies from 11 ½ inches down to 8 inches and the distance should be uniform all the way around, so that the brackets go under and hold the soffit in place, or they appear to hold the soffit. They are supposed to align all at the same elevation all the way around the roof as it stands right that's not going to be the case. With Elle's report it's now my job write a letter of non-conformance to the contractor. Then we will give them time to figure out alternatives how this work can be corrected, repaired or modified. We have some picture of the issue you can see on the picture provided just below the ceramic tile is the EIFS (exterior insulation finish system) and the soffit that you see there underneath the trusses is plywood and below the plywood is a piece of a product called thermory wood, that is resistant to rot, mold, and damage from termites and insects. That product goes all around the building, then underneath the thermory they are spaced around 48 inches to 60 inches. There's a set of large brackets that appear to be rafters applied to the bottom side of the soffit. The ceramic tile in the same location all the way around the building has a variance of about 3 to 3 ½ inches, and in some cases we don't know what the variance is because we haven't gotten measurements on the North West corner. We are lacking some measurements along the north face there is no scaffolding left over there. That is one issue we are working on.

Misty Kimbrough are those brackets just cosmetic?

Mark Williams yes, they are?

Misty Kimbrough if we're foregoing other cosmetic changes, why can't we forgo those at this expense?

Mark Williams it's integral in the part of the design, and integral in the look of the contextual building motif that we are trying to capture. In this region we are trying to follow that same look, and I'm speaking for that architecture. To answer the question that Commissioner Casterline asked Elle and me, we will put that list together and we will have a written list for you all to review.

Commissioner Casterline I'm more interested in a list of things that have a connection to this General Conditions issue.

Judge Garza if all this has to be ripped down, that adds time to the project. Do we get compensated for that time?

Mark Williams We have liquidated damages clause in our contract, for whatever time we do give them. Extending that substantial completion date because of the Texas Jail Standards whatever time is extended beyond that, is liquidated damage is supplied \$1,000 a day beyond the Jail Standards.

Commissioner Chaney Mark on that area where you said the wrong material was there. Was it designed wrong, or was it in the contract, or were the wrong items bought.

Mark Williams no that is in the contract.

Jason Teal construction the material that's installed is correct.

Commissioner Chaney so that is just not plywood well I misunderstood you.

Mark Williams there is a layer of exterior grade CDX plywood on the underside of the soffit but that all get covered up with this product called thermory which is about an inch and a half piece of lumber, tongue and groove. It's about six inches wide and it goes all the way around the building and it hides all of the plywood. The plywood is a sub straight.

Judge Garza that is the big issue coming up and I wanted you to know that because people are going to ask why they are ripping off everything from that building. Do we have an estimated completion date? We did order those doors for the jail?

Mark Williams how does that relate to the installation of the second and third elevator time line. How long did it take us to install the first elevator was it two or three weeks?

Jason Teal Construction 21 working days so almost 5 weeks.

Commissioner Casterline which one has the later completion date?

Jason Teal Construction the Jail Standards.

Mark Williams technically 42 days after the first elevator installed we get the third elevator installed 48 or 42 days later.

Judge Garza Elle mentioned the lighted lettering when we did that change order we got a \$7,200 credit.

Mark Williams the elevations show backlit LED letters, means and methods of the contractor is how you get the power to the letters. We don't draw door knobs as a contractor or Architect, and we don't draw flush valves on toilets. So some things are left to means and methods and that was one of those.

Judge Garza if we can get the lit letters back I'm not going to pay more than \$7,200. If it's over that we'll just keep it not lit but I want my access panels in the back so we could change it if we want to at a later date, and the conduit.

Misty Kimbrough I would like to know where we are in the decision or gathering of information on the fire suppression system for the two clerk's offices.

Mark Williams before we answer that question we have issue with some of the brick overhanging some stone that's been addressed by Sarah Patrick's field report, as well as that non-conforming work. It will also be noted in this letter and as far as the Fire Suppression system we have a list of documents here that are provided for you guys to review and take under advisement.

Misty Kimbrough could I have a copy of that since it effects my office.

Mark Williams there's an electronic version.

Elle Morales there is an electronic version on the box and we have printed one for the Judge and the Commissioners.

Misty Kimbrough I need to know the box link I don't have access to that I'm aware of.

Elle Morales this is a known issue, this is a wall that's in east side of building, and this is supposed to be where the historical marker the 1958. That came off the old courthouse. Somewhere along the line the communication it did not make it through and now that we have a brick wall where that piece of granite is supposed to be. That's one of the things we are working on we also have a couple of other historic markers. I did provide to information to PGAL again this week to make sure those get placed in the courtyard.

V. **ADJOURNMENT**

Motion to adjourn: by Commissioner Rousseau, motion was seconded by Commissioner Casterline

Vote: Motion carried 5-0: it was so ordered

Meeting adjourned at 4:25 P.M.

ARANSAS COUNTY COMMISSIONERS' COURT

Ray A. Garza, County Judge

**Misty Kimbrough,
Ex-Officio**