

STATE OF TEXAS §
 COUNTY OF POLK §

DATE: SEPTEMBER 22, 2009
 REGULAR MEETING
 ALL MEMBERS - Present

**COMMISSIONERS COURT
 AGENDA POSTING #2009 - 108**

BE IT REMEMBERED ON THIS THE 22ND DAY OF SEPTEMBER, 2009
 THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR" CALLED
 MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT;

HONORABLE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.
 BOB WILLIS - COMMISSIONER PCT #1, RONNIE VINCENT - COMMISSIONER
 PCT #2, MILTON PURVIS - COMMISSIONER PCT #3, C.T. "TOMMY" OVERSTREET-
 COMMISSIONER PCT #4, SCHELANA WALKER - COUNTY CLERK AND RAY STELLY-
 COUNTY AUDITOR. THE FOLLOWING AGENDA ITEMS, ORDERS AND DECREES
 WERE DULY MADE, CONSIDERED & PASSED.

1. WELCOMED AND CALLED TO ORDER AT 10:00 A.M. BY JUDGE THOMPSON.
 - INVOCATION LED BY TOM OWEN OF FIRST BAPTIST CHURCH GOODRICH.
 - PLEDGE OF ALLEGIANCE TO U.S. & TEXAS FLAGS LED BY JIM JOHNSON.
2. PUBLIC COMMENTS:
 - A. JIM JOHNSON INVITED EVERYONE TO THE CASA FISH FRY THURSDAY AT THE
 METHODIST CHURCH. TICKETS ARE \$8.00 EACH.
3. INFORMATIONAL REPORTS:
 - A. JEAN HESTER OF HESTERS AND SANDERS ARCHITECTURE GAVE A JUDICIAL CENTER
 UPDATE.
 - B. COMMISSIONER OVERSTREET THANKED THE OTHER COMMISSIONERS FOR THEIR
 ASSISTANCE WITH THE ANIMAL SHELTER DIRT WORK.
 - C. COMMISSIONER PURVIS ALSO THANKED EVERYONE FOR HELPING WITH THE ANIMAL
 SHELTER.

OLD BUSINESS

4. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO TABLE "CONSIDER
 APPROVAL OF AMENDED ORDER OF ACCEPTANCE FOR PUBLIC MAINTENANCE OF THE
 FOLLOWING ROADS SET ASIDE IN THE FINAL PLAT OF COMMODORE CAPE SUBDIVISION
 OF POLK COUNTY, TEXAS - PCT. 1; COMMODORE DR., APOLLO DR., BIRDSONG, WESTONS
 DR., WOODLAND DR, SHADOW LN., BRAME DR. AND HILL LN., TO CLARIFY ROADS AND
 ROAD MILEAGE TO BE ACCEPTED AND TO INCLUDE SPECIFIED VARIANCES".
 ALL VOTING YES.

NEW BUSINESS

CONSENT AGENDA

COMMISSIONER WILLIS REQUESTED ITEM K & R BE DISCUSSED INDIVIDUALLY.

5. MOTIONED BY RONNIE VINCENT, SECONDED BY MILTON PURVIS, TO APPROVE THE
 CONSENT AGENDA AS FOLLOWS:
 - A. APPROVE MINUTES OF PREVIOUS MEETINGS: SEPTEMBER 8, 2009 (REGULAR SESSION
 AND PUBLIC HEARING ON TAX RATE).
 - B. APPROVE BUDGET REVISIONS #2009-23, AS PRESENTED BY THE COUNTY AUDITOR.
 (SEE ATTACHED)

C. APPROVE BUDGET AMENDMENTS #2009-23(a), AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE. (SEE ATTACHED)

D. APPROVAL OF SCHEDULE OF BILLS, INCLUDING ADDENDUM. (SEE ATTACHED)

DATE	AMOUNT	CHECK #
09/03/09	1,804,741.30	ACH621
09/03/09	1,383.57	219255
09/03/09	275.40	219256
09/03/09	42,788.03	219257-219285
09/03/09	1,312.00	102604-102653 Void Ck 102649 sent by ACH qtrly
09/04/09	186.00	ACH622
09/04/09	43.52	ACH623
09/04/09	36.03	ACH624
09/04/09	1,244.21	ACH625
09/04/09	17,732.32	219286-219288
09/04/09	5,575.24	219289
09/08/09	11,376.23	219290-219301
09/09/09	32,415.40	ACH626
09/11/09	52,116.47	000147-000148
09/11/09	28,294.44	219302-219332
09/11/09	315.00	219333
09/16/09	377,929.88	219334-219444
09/16/09	14,171.44	219445-219462
09/22/09	ADDENDUM	\$150,970.46 to appear on future schedule
TOTAL	2,392,118.48	

- E. APPROVE PERSONNEL ACTION FORMS, AS REVISED. (SEE ATTACHED)
- F. DESIGNATE REGULAR TERM OF COMMISSIONERS COURT FOR FY2010 AS THE SECOND AND FOURTH TUESDAY OF EACH MONTH.
- G. APPROVE REQUEST OF CHILDRENZ HAVEN TO BE ADDED TO THE DISTRICT CLERK'S JUROR DONATION LIST.
- H. APPROVE ORDER DESIGNATING SURPLUS PROPERTY (FEMA TRAILER) TO BE DISPOSED THROUGH SALE TO NACOGDOCHES COUNTY. (SEE ATTACHED)
- I. APPROVE DISTRICT CLERK'S PLAN FOR THE PRESERVATION AND RESTORATION OF THE DISTRICT COURT RECORDS ARCHIVE. (SEE ATTACHED)
- J. APPROVE (RE-WORDED) RESOLUTION RENAMING THE PORTION OF FM2610 LOCATED IN POLK COUNTY TO LANCE CORPORATION RICHARD A. ANDERSON HIGHWAY, BASED UPON REQUEST FROM THE TEXAS DEPARTMENT OF TRANSPORTATION. (SEE ATTACHED)
- L. APPROVE AGREEMENT RENEWING SERVICES WITH COUNTY INFORMATION RESOURCES AGENCY (CIRA). (SEE ATTACHED)
- M. APPROVE RENEWAL OF INDEPENDENT CONTRACTOR AGREEMENTS WITH BARBARA HAYES-MEDICAL REVENUE SERVICES, INC., FOR ADMINISTRATION OF COUNTY INDIGENT HEALTHCARE PROGRAM AND OVERSIGHT OF JAIL MEDICAL AND AGING PROGRAMS.
- N. APPROVE RENEWAL OF LEASE AGREEMENT WITH THOMAS W. SMITH, DBA LIVINGSTON EYE CENTER, FOR OFFICE SPACE LOCATED AT POLK COUNTY REGINAL HEALTH CENTER.
- O. APPROVE RESOLUTION IN SUPPORT OF FY2010 INDIGENT DEFENSE FORMULA GRANT APPLICATION. (SEE ATTACHED)
- P. APPROVE ANNUAL MAINTENANCE AGREEMENT WITH NET DATA FOR FY2010. (SEE ATTACHED)

- Q. APPROVE THE SETTING OF JUROR REIMBURSEMENT, PURSUANT TO SEC. 61.001, GOVERNMENT CODE, FOR THE PERIOD OF COTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, AT \$6 FOR THE FIRST DAY AND \$40 FOR EACH DAY AFTER THE FIRST DAY THAT THE PERSON IS IN ATTENDANCE AND DISCHARGES DUTIES FOR THE DAY (NO CHANGE FROM PRIOR YEAR). (SEE ATTACHED)
- S. APPROVE MAINTENANCE AGREEMENT RENEWING SHERIFF'S DEPARTMENT MENTALIX/LIVE SCAN SERVICES FOR FY2010. (SEE ATTACHED)
- T. APPROVE RENEWAL OF AGREEMENT WITH DR. RAY LUNA FOR JAIL INMATE MEDICAL SERVICES FOR YEAR 2010.

DISCUSSION OF CONSENT AGENDA ITEM K.

COMMISSIONER WILLIS REQUESTED TO REJECT THE OFFERS FOR PCT 1 LOTS LISTED IN CONSENT AGENDA K.

- K. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO REJECT OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT 1) LOT 225, SECTION 2, RIVER LAKE ESTATES, CAUSE NO. T06-040 AND LOT 20, SECTION 3, RIVER LAKE ESTATES, CAUSE NO. T05-156; AND ACCEPT OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT 4) TRACTS 2104 & 2105, CACTUS JACK #2, CAUSE NO. C0100000300. ALL VOTING YES.

DISCUSSION OF CONSENT AGENDA ITEM R.

- R. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO APPROVE CONSULTING SERVICES AGREEMENT WITH EASTEX COMMUNITY RESOURCES FOR MARKETING AND ADMINISTRATIVE SUPPORT RELATING TO THE COUNTY'S DESIGNATION AS A CERTIFIED RETIREMENT COMMUNITY. ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF ITEM 6.

COMMISSIONER OVERSTREET STATED "I MOVE THAT PROPERTY TAXES BE INCREASED BY THE ADOPTION OF A TAX RATE OF 0.6277 WHICH IS EFFECTIVELY A 7.446080% INCREASE IN THE TAX RATE".

- 6. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO ADOPT ORDER SETTING 2009 TAX RATE. ALL VOTING YES. (SEE ATTACHED)
- 7. MOTIONED BY RONNIE VINCENT, SECONDED BY MILTON PURVIS, TO ADOPT ORDER AUTHORIZING TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM PLAN PROVISIONS FOR 2010. ALL VOTING YES. (SEE ATTACHED)
- 8. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, TO APPROVE RESOLUTION EXPRESSING INTENT TO REIMBURSE FY2010 EXPENDITURES TO BE INCURRED BY POLK COUNTY, TEXAS. ALL VOTING YES. (SEE ATTACHED)
- 18. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, APPROVAL OF AGREEMENT WITH DRG FOR ARCHITECTURAL CONSULTING SERVICES FOR IAH FACILITY INMATE PROCESSING ADDITION. ALL VOTING YES. (SEE ATTACHED)

19. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO ACCEPT CONVEYANCE OF PROPERTY FROM TEXAS DEPARTMENT OF TRANSPORTATION RELATING TO THE POLK COUNTY COMMERCE CENTER, SITE OF THE PROPOSED COLLEGE/CONFERENCE CENTER TO BE FUNDED BY DONATED PRIVATE FUNDS AND AUTHORIZE JUDGE THOMPSON TO SIGN ANY/ALL DOCUMENTS.
ALL VOTING YES.

COMMISSIONER WILLIS, PURVIS & OVERSTREET STATED AT THIS TIME THEY DO NOT HAVE A MEMBER AND SECONDARY FOR THE COMPLETE COUNT COMMITTEE. COMMISSIONER VINCENT RECOMMENDED JUDY LUDWIG WITH NO SECONDARY AND JUDGE THOMPSON RECOMMENDED BOB ZEIGLER AND SIDNEY MURPHY AS SECONDARY.

20. MOTIONED BY RONNIE VINCENT, SECONDED BY MILTON PURVIS, TO APPOINT JUDY LUDWIG, BOB ZEIGLER AND SIDNEY MURPHY TO COMPLETE COUNT COMMITTEE FOR 2010 CENSUS.
ALL VOTING YES.

21. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO REJECT OFFERS TO PURCHASE OF TAX FORECLOSED PROPERTY: (PCT 1) LOTS 27 & 28, HOOT OWL HOLLOW #1, CAUSE NO. T05-141.
ALL VOTING YES.

9. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO AWARD BID #2010-01.01 THRU 02.06 FOR PCT 1 ROAD MATERIALS AS FOLLOWS:
#2010-01.01 - **PINTO CONSTRUCTION** FOR CHIP SEAL.
#2010-01.02 - **BRYAN & BRYAN** FOR CRACKED FUEL.
#2010-01.03 - **EAST TEXAS ASPHALT** FOR HOT & COLD MIXES.
#2010-01.04 - **PINTO CONSTRUCTION** FOR LIMESTONE STABILIZATION.
#2010-01.05 - **EAST TEXAS ASPHALT** FOR LIMESTONE BASE.
#2010-01.06 - **A & B CRUSHED CONCRETE** FOR CRUSHED CONCRETE.
ALL VOTING YES.

10. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO AWARD BID #2010-02.01 THRU 02.06 FOR PCT 2 ROAD MATERIALS AS FOLLOWS:
#2010-02.01 - **PINTO CONSTRUCTION** FOR CHIP SEAL.
#2010-02.02 - **BRYAN & BRYAN** FOR CRACKED FUEL.
#2010-02.03 - **EAST TEXAS ASPHALT & PAVERS SUPPLY** FOR HOT & COLD MIXES.
#2010-02.04 - **PINTO CONSTRUCTION** FOR LIMESTONE STABILIZATION.
#2010-02.05 - **EAST TEXAS ASPHALT & PAVERS SUPPLY** FOR LIMESTONE BASE.
#2010-02.06 - **A & B CRUSHED CONCRETE** FOR CRUSHED CONCRETE.
ALL VOTING YES.

11. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, TO AWARD BID #2010-03.01 THRU 03.06 FOR PCT 3 ROAD MATERIALS AS FOLLOWS:
#2010-03.01 - **PINTO CONSTRUCTION** FOR CHIP SEAL.
#2010-03.02 - **BRYAN & BRYAN** FOR CRACKED FUEL.
#2010-03.03 - **EAST TEXAS ASPHALT & PAVERS SUPPLY** FOR HOT & COLD MIXES.
#2010-03.04 - **PINTO CONSTRUCTION** FOR LIMESTONE STABILIZATION.
#2010-03.05 - **EAST TEXAS ASPHALT & PAVERS SUPPLY** FOR LIMESTONE BASE.
#2010-03.06 - **A & B CRUSHED CONCRETE** FOR CRUSHED CONCRETE.
ALL VOTING YES.

12. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO AWARD BID #201 #2010-04.01 THRU 04.06 FOR PCT 4 ROAD MATERIALS AS FOLLOWS:
#2010-04.01 - **PINTO CONSTRUCTION** FOR CHIP SEAL.
#2010-04.03 - **PAVERS SUPPLY & EAST TEXAS ASPHALT** FOR HOT & COLD MIXES.
#2010-04.04 - **PINTO CONSTRUCTION** FOR LIMESTONE STABILIZATION.
#2010-04.05 - **PAVERS SUPPLY & EAST TEXAS ASPHALT** FOR LIMESTONE BASE.
#2010-04.06 - **A & B CRUSHED CONCRETE & COLBY** FOR CRUSHED CONCRETE.
ALL VOTING YES.
13. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO AWARD BID #2010-05 TO **EAST TEXAS ASPHALT AND PAVERS SUPPLY** FOR BULK PURCHASE OF LIMESTONE ROAD BASE.
ALL VOTING YES.
14. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO AWARD BID #2010-06 TO **A TO Z TIRE AND SOUTHERN TIRE** FOR TIRES AND TUBES.
ALL VOTING YES.
15. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO AWARD BID #2010-07 TO **HUGHES PETROLEUM** FOR OIL, GREASE, GASOLINE AND DIESEL.
ALL VOTING YES.
16. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO AWARD BID #2010-08 TO **BROKEN ARROW** FOR PEST CONTROL.
ALL VOTING YES.
17. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO AWARD BID #2010-09 TO **MUSTANG AND ROMCO** FOR MOTOR GRADER BLADES.
ALL VOTING YES.

SCHELANA WALKER COUNTY CLERK NOTED THAT CONSENT AGENDA ITEM D INCLUDES AN ADDENDUM AND ITEM E IS REVISED.

ADJOURN:

MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO ADJOURN COURT THIS 22ND DAY OF SEPTEMBER, 2009 AT 10:44 A.M.
ALL VOTING YES.


JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:


SCHELANA WALKER, COUNTY CLERK