

STATE OF TEXAS §

DATE: OCTOBER 13, 2009

COUNTY OF POLK §

REGULAR MEETING

MILTON PURVIS-ABSENT

**COMMISSIONERS COURT
AGENDA POSTING #2009 - 120**

BE IT REMEMBERED ON THIS THE 13TH DAY OF OCTOBER, 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, 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 & CALLED TO ORDER AT 10:00 A.M. BY JUDGE THOMPSON.
 - INVOCATION LED BY ELDRIDGE STRIEDEL.
 - PLEDGE OF ALLEGIANCE TO THE U.S & TEXAS FLAGS LED BY JIM JOHNSON.
2. PUBLIC COMMENTS: NONE.
3. INFORMATIONAL REPORTS:
 - A. SHERIFF KENNETH HAMMACK PRESENTED THE DEPARTMENT'S MONTHLY REPORT FOR SEPTEMBER 2009.
 - B. SCHELANA WALKER, COUNTY CLERK, STATED THAT EARLY VOTING BEGINS MONDAY OCT 19TH AND ENDS ON OCT 30TH.
 - C. COMMISSIONER WILLIS ASKED IF THERE WERE ANY GRANTS OR FUNDING TO ASSIST WITH REMOVING DEAD TREES IN RIGHT OF WAYS.
 - D. JUDGE THOMPSON STATED THAT THERE MAY BE POSSIBLE FUNDING FROM THE SECOND ROUND (OF ORCA MONEY) FOR TREE REMOVAL.
4. OLD BUSINESS (TABLED FROM LAST AGENDA)
MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, 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

5. CONSENT AGENDA:
JUDGE THOMPSON NOTED THAT ITEM D INCLUDED AN ADDENDUM, ITEM E IS REVISED, ITEM F HAS BEEN REVIEWED BY HERB BRISTOW, ITEM L EFFECTIVE RESIGNATION DATE IS OCTOBER 27TH AND REQUESTED THAT ITEM S BE DISCUSSED INDIVIDUALLY.

MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO APPROVE THE CONSENT AGENDA AS FOLLOWS:
 - A. APPROVE MINUTES OF PREVIOUS MEETINGS: SEPTEMBER 22, 2009 (REGULAR SESSION, PUBLIC HEARING ON DISTRICT COURT RECORDS ARCHIVE AND PUBLIC HEARING ON FY2010 BUDGET)
 - B. APPROVE BUDGET REVISIONS #2009-25 AND #2010-01, AS PRESENTED BY THE COUNTY AUDITOR. (SEE ATTACHED)
 - C. APPROVE BUDGET AMENDMENTS #2009-25(a), AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE. (SEE ATTACHED)

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

DATE	AMOUNT	CHECK #
FY09		
09/16/09	2,864.22	ACH627
09/16/09	45,359.98	ACH628
09/16/09	10,608.56	ACH629
09/16/09	25,954.14	ACH630
09/16/09	274,589.04	ACH631
09/16/09	2,789.27	ACH632
09/16/09	1,500,000.00	ACH633
09/16/09	2,863.15	219463-219469
09/18/09	238,259.19	000147-000153
09/18/09	123,279.53	219470-219508
09/21/09	2,520.00	000107
09/22/09	13,120.00	000100
09/22/09	150,970.46	219509-219628
09/22/09	2,021.00	219629-219632 (void ck #219632)
09/24/09	127,469.08	ACH634
09/24/09	149,330.97	219633
09/24/09	11,897.70	219634-219637
09/25/09	19,214.00	ACH635
09/25/09	69,508.76	219638-219668
09/25/09	2,066.44	219669
09/28/09	5,717.99	ACH636
09/29/09	11,193.75	000108
09/29/09	10,000.00	219670
09/29/09	35,565.06	219671-219672
09/30/09	1,681,016.65	ACH637
09/30/09	177,646.78	219673-219760
10/02/09	36,991.65	219773-219799
10/07/09	9,109.73	219833-219847
10/07/09	136,496.80	219848-219953
	4,878,423.90	Subtotal (FY09 Total)
FY10		
10/01/09	2,864.22	ACH638
10/01/09	44,716.62	ACH639
10/01/09	10,458.02	ACH640
10/01/09	25,136.40	ACH641
10/01/09	270,652.86	ACH642
10/01/09	2,924.06	ACH643
10/01/09	16,585.95	219761-219765
10/01/09	2,863.15	219766-219772
10/02/09	100.68	ACH644
10/02/09	23.54	ACH645
10/02/09	44.67	ACH646
10/02/09	648.38	ACH647
10/02/09	4,005.00	000149
10/05/09	3,000.00	219800
10/07/09	66,686.56	0001541
10/07/09	140,646.68	219801-219832
10/07/09	75.00	219954 (ACH648 VOIDED)
	591,431.79	Subtotal (FY10 total)
10/13/09	Addendum (to appear on future schedule)	\$10,502.45
TOTAL	5,469,855.69	

- E. APPROVE REVISED PERSONNEL ACTION FORMS. (SEE ATTACHED)
- F. APPROVE UTILITY EASEMENTS TO TRINITY RIVER AUTHORITY FOR RECONSTRUCTION OF TREATED WATER PIPELINE ALONG FM350. (SEE ATTACHED)
- G. APPROVE RESOLUTION SUPPORTING ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) APPLICATION FOR POLK COUNTY AND AUTHORIZING EXECUTION OF NOTIFICATION OF INTENT. (SEE ATTACHED)
- H. APPROVE COUNTY CLERK'S EARLY VOTING SCHEDULE FOR NOVEMBER 3, 2009 GENERAL (AMENDMENT) ELECTION. (SEE ATTACHED)
- I. ACCEPT OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT 1) LOTS 278, 280, 282 & 286, PUTNAM'S LANDING #1, CAUSE NO. T05-243; LOTS 334 & 336, PUTNAM'S LANDING #1, CAUSE NO. 94-365 (PCT 2) LOTS 5 & 6, BLOCK 28, ONALASKA ORIGINAL TOWN-SITE, CAUSE NO. T04-170 (PCT 3) EAST 1/2 OF LOTS 4 & 5, BLOCK 1, WEST END ADDITION, CAUSE NO. T08-268; EAST 1/2 BLOCK 34, GREEN ADDITION, CAUSE NO. T08-055; WEST 1/2 OF BLOCK 34, GREEN ADDITION, CAUSE NO. T08-054; BLOCK 1, LOT 9 AND BLOCK 6, LOT 1, OF THE WEST END SUBDIVISION, CAUSE NO. T06-176 (APPROVAL OF LOT 9, BLOCK 1 AND LOT 1, BLOCK 6, WEST END SUBDIVISION CONTINGENT UPON THE CITY OF LIVINGSTON'S ACCEPTANCE).
****ITEM I AMENDED AFTER AGENDA ITEM 17****
- J. APPROVE ORDER DESIGNATING SURPLUS PROPERTY AND METHOD OF DISPOSITION. (SEE ATTACHED)
- K. APPROVE PRECINCT 3 COMMISSIONER'S REQUEST FOR INTER-LOCAL AGREEMENT WITH THE CITY OF SEVEN OAKS FOR ROAD MAINTENANCE PURPOSES. (SEE ATTACHED)
- L. ACCEPT RESIGNATION OF JEANETTE MONTGOMERY, AS HUMAN RESOURCES SUPERVISOR, EFFECTIVE OCTOBER 27, 2009.
- M. APPROVE AMENDMENTS TO CONTRACT WITH DEEP EAST TEXAS AREA AGENCY ON AGING FOR FY2010, REFLECTING INCREASED FUNDING FOR POLK COUNTY AGING SERVICES PROGRAM. (SEE ATTACHED)
- N. RATIFY MEMORANDUMS OF AGREEMENT WITH THE CITY OF LIVINGSTON, CITY OF GOODRICH AND THE CITY OF CORRIGAN RELATED TO 2006 DISASTER RECOVERY GRANT "DRS060071 GENERATORS" COST SHARING AND PAYMENT TO VENDOR. (SEE ATTACHED)
- O. APPROVE AGREEMENT BETWEEN STATE OF TEXAS AND POLK COUNTY IN THE AMOUNT OF \$600 FOR THE MEMORIAL MARKER SIGN FOR L/CPL RICHARD A. ANDERSON HIGHWAY. (SEE ATTACHED)
- P. APPROVE APPOINTMENT OF SHIRLEY CAIN AS PRESIDING JUDGE OF THE EARLY VOTING BOARD AS REQUIRED BY TEXAS ELECTION CODE 87.002(b).
- Q. RATIFY AGREEMENT WITH CHO-YEH CONFERENCE CENTER FOR FACILITY USE TO HOST DETCOG MONTHLY BOARD MEETING HELD IN NOVEMBER. (SEE ATTACHED)
- R. RECEIVE COUNTY TREASURERS 4TH QUARTER REPORT FOR FY2009. (JULY, AUGUST, SEPTEMBER 2009).

JUDGE THOMPSON EXCUSED HIMSELF FROM COURT STATING HE HAD A CONFLICT OF INTEREST AND NOTED THAT HE FILED AN AFFIDAVIT WITH THE COUNTY CLERK PERTAINING TO CONSENT AGENDA ITEM S.

COMMISSIONER WILLIS NOW PRESIDING.

DISCUSSION OF CONSENT AGENDA ITEM S BY GERALD MOOREHEAD OF BAILEY ARCHITECTS.

- S. MOTIONED BY RONNIE VINCENT, SECONDED BY TOMMY OVERSTREET, TO APPROVE SUBMISSION OF RENEWED GRANT APPLICATION FOR ROUND VI TEXAS HISTORIC COURTHOUSE PRESERVATION PROGRAM.
ALL VOTING YES.

JUDGE THOMPSON NOW PRESIDING.

6. MOTIONED BY RONNIE VINCENT, SECONDED BY TOMMY OVERSTREET, TO EXTEND LETTER OF CREDIT #307 FOR 1 YEAR AT THE EXISTING AMOUNT FOR FOUR CORNERS PHASE 3 SUBDIVISION (PCT 2).
ALL VOTING YES.
7. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO NOMINATE JAY SNOOK FOR POLK CENTRAL APPRAISAL DISTRICT BOARD MEMBER.
ALL VOTING YES.
8. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO PAY THE REMAINING BALANCE TO ACS IN THE AMOUNT OF \$11,795.90 FOR DISTRICT CLERK'S IMAGING PROJECT FROM THE GENERAL FUND BALANCE AND INCLUDE ON THE REIMBURSEMENT RESOLUTION FOR YEAR END ISSUANCE OF AUTHORIZED DEBT.
ALL VOTING YES.
9. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO SELECT SICK LEAVE POOL COMMITTEE BY RANDOM DRAWING AS FOLLOWS:
LAW ENFORCEMENT- ED MATSIS & JOHN SPILLMAN
CLERICAL/JUDICIAL/MISC. - LINDA HICKS & DEBORAH CORLEY
ROAD & BRIDGE - WILLIAM RICHARDSON
ALL VOTING YES.

DISCUSSION ON ITEM 10 BY CHRISTY GAY ON BEHALF OF MEMORIAL HEALTH SYSTEM OF EAST TEXAS.

10. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, TO ORDER APPROVING THE ISSUANCE OF BONDS BY THE LUFKIN HEALTH FACILITIES DEVELOPMENT CORPORATION TO FINANCE THE COST OF HEALTH FACILITIES LOCATED IN POLK COUNTY, TEXAS FOR MEMORIAL HEALTH SYSTEM OF EAST TEXAS AND MEMORIAL HOSPITAL OF POLK COUNTY DBA MEMORIAL MEDICAL CENTER - LIVINGSTON.
ALL VOTING YES. (SEE ATTACHED)
11. MOVED TO END.
12. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO ACCEPT EMERGENCY MANAGEMENT REQUEST FOR USE OF FY09 GENERAL FUND BALANCE (UN-EXPENDED VFD TRAINING FUNDS) IN THE AMOUNT OF \$3,452 TO COMPLETE GENERATOR INSTALLATION WITH PURCHASE/PLACEMENT OF FUEL STORAGE FOR HOLIDAY LAKES VFD AND ACIR VFD.
ALL VOTING YES.
13. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO AUTHORIZE LETTER OF INTENT TO ENTER INTO GOOD FAITH NEGOTIATIONS WITH EAST TEXAS ELECTRIC COOPERATIVE, INC. IN CONNECTION WITH PROPOSED HYDRO-ELECTRIC PROJECT FOR SALE OF LAND OWNED BY POLK COUNTY AND FORMERLY UTILIZED AS SOUTHLAND PARK.
ALL VOTING YES. (SEE ATTACHED)
14. MOTIONED BY TOMMY OVERSTREET, SECONDED BY RONNIE VINCENT, APPROVAL OF CERTAIN CAPITAL PURCHASES ITEMIZED IN THE FY2010 CAPITAL PURCHASE PROJECTIONS, FOR PAYMENT FROM GENERAL FUND BALANCE AND INCLUSION ON REIMBURSEMENT RESOLUTION FOR YEAR END ISSUANCE OF AUTHORIZED DEBT, INCLUDING \$4,975 TO DIGITAL-ALLY FOR GAME WARDEN IN-CAR VIDEO SYSTEM; \$19,932.44 TO GRAINGER FOR SHELVING IN ALLIE BEAN RECORDS STORAGE; \$960 TO TELCOM SECURITY FOR TAX OFFICE SECURITY SYSTEM.
ALL VOTING YES.

DISCUSSION OF ITEM 15.

15. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO DELETE "CONSIDER APPROVAL OF REVISED BUDGET AND EQUIPMENT LISTING FOR SHERIFF'S DEPARTMENT L.E.A.P. GRANT (FORMERLY APPROVED FOR RADIO IMPROVEMENTS)".
ALL VOTING YES.

16. HELD TO END.

17. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO APPROVE PRELIMINARY PLAT FOR EAGLE FALLS SUBDIVISION, LOCATED IN POLK (PCT 2) AND TRINITY COUNTIES.
ALL VOTING YES.

JUDGE THOMPSON ASKED THAT CONSENT AGENDA ITEM I BE AMENDED TO ACCEPT OFFERS TO PURCHASE BLOCK 1, LOT 9 AND BLOCK 6, LOT 1, OF THE WEST END SUBDIVISION, CAUSE NO. T06-176 (APPROVAL OF LOT 9, BLOCK 1 AND LOT 1, BLOCK 6, WEST END SUBDIVISION CONTINGENT UPON THE CITY OF LIVINGSTON'S ACCEPTANCE) FOR HABITAT FOR HUMANITY AND TABLE THE OTHER PCT 3 FORECLOSURE PROPERTIES.
ALL VOTING YES.

DISCUSSION OF ITEM 11.

11. MOTIONED BY RONNIE VINCENT, SECONDED BY BOB WILLIS, TO ACCEPT PROPOSAL FROM J.E. KINGHAM CONSTRUCTION COMPANY AND AWARD CONTRACT FOR INMATE PROCESSING ADDITION AT IAH SECURE ADULT DETENTION FACILITY TO J.E. KINGHAM IN THE AMOUNT OF \$1,785,000 TO BE PAID FROM RESERVES HELD BY TRUSTEES FOR PUBLIC FACILITIES CORPORATION AND TO AUTHORIZE JUDGE THOMPSON TO EXECUTE CONTRACT DOCUMENTS TO BE PROVIDED BY HERB BRISTOW.
ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF ITEM 16 BY GARY ADAMS AND JACK SMITH OF J.E. KINGHAM CONSTRUCTION CO.

16. MOTIONED BY BOB WILLIS, SECONDED BY RONNIE VINCENT, TO ACCEPT \$16,859,257.00 AS GUARANTEED MAXIMUM PRICE INCLUDING ALTERNATE #1, AS SUBMITTED BY J.E. KINGHAM CONSTRUCTION COMPANY AND FURTHER ALLOW J.E. KINGHAM TO ADD ADDITIONAL ALTERNATES WITH ANY REMAINING MONIES NOT USED, SUBJECT TO COURT APPROVAL.
ALL VOTING YES. (SEE ATTACHED)

ADJOURN:

MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO ADJOURN COURT THIS 13TH DAY OF OCTOBER, 2009 AT 11:04 A.M.


JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:


SCHELANA WALKER, COUNTY CLERK