

STATE OF TEXAS §

DATE: DECEMBER 9, 2014

REGULAR MEETING

COUNTY OF POLK §

RONNIE VINCENT - ABSENT

### COMMISSIONERS COURT

#### AGENDA POSTING #2014 - 162

Be it remembered on this the 9<sup>th</sup> day Of DECEMBER, 2014, the Honorable Commissioners Court met in "REGULAR" called meeting with the following officers and members present, to wit;

Honorable John Thompson, County Judge Presiding. Bob Willis - Commissioner Pct #1, Milton Purvis - Commissioner Pct #3, C.T. "Tommy" Overstreet - Commissioner Pct #4, Schelana Hock - County Clerk and Margie Ainsworth - 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 BILLY WIGINTON OF FIRST BAPTIST CHURCH LIVINGSTON.
  - PLEDGE OF ALLEGIANCE TO U.S. & TX FLAGS LED BY JIM JOHNSON.
  
2. PUBLIC COMMENTS: NONE.
  
3. INFORMATIONAL REPORTS: NONE.

#### NEW BUSINESS

4. CONSENT AGENDA: JUDGE THOMPSON NOTED ITEM C INCLUDES AN ADDENDUM IN THE AMOUNT OF \$47,067.37. MOTIONED BY BOB WILLIS, SECONDED BY MILTON PURVIS, TO APPROVE THE CONSENT AGENDA AS FOLLOWS: (ALL VOTING YES)
  - A. APPROVE MINUTES OF NOVEMBER 25, 2014 (REGULAR SESSION).
  - B. APPROVE BUDGET REVISIONS #2015-05, AS PRESENTED BY THE COUNTY AUDITOR AND BUDGET AMENDMENTS #2015-05(A), AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE. (SEE ATTACHED)
  - C. APPROVE SCHEDULE OF BILLS, INCLUDING ADDENDUM. (SEE ATTACHED)

DATE	AMOUNT	CHECK #
<u>FY14</u>		
11/21/14	1,977.71	250479 - 250482

11/26/14	32,085.03	250593 – 250598
<b>FY15</b>		
11/20/14	395,485.77	ACH 771 – 776
11/20/14	446.44	ACH 777 – 779
11/20/14	75.00	250478
11/20/14	35.00	250534
11/21/14	125.00	725
11/21/14	7.00	1558
11/21/14	3,712.19	250483 – 250489
11/21/14	79,680.84	250490 – 250533
11/21/14	1,232.21	250546 – 250548
11/21/14	10,000.00	250550
11/24/14	980.73	ACH 781 – 784
11/24/14	13,862.65	250592
11/26/14	648.00	116664 – 116762
11/26/14	10,186.64	250599 – 250619
11/26/14	25.00	250621
12/01/14	3,466.66	726
12/01/14	41.17	727
12/01/14	1,110.00	116763 – 116860
12/01/14	18,127.74	250622 – 250625
12/01/14	470.45	250626
12/02/14	159,298.46	ACH 785
12/02/14	3,101.44	72
12/02/14	420.00	250627
12/02/14	230,646.01	250628 – 250641
12/02/14	6,753.85	250642 – 250644
12/03/14	64,870.12	250645 – 250690
12/09/14	Addendum to appear on future schedule	\$47,067.37
<b>TOTAL</b>	<b>\$1,038,871.11</b>	

D. APPROVE PERSONNEL ACTION FORMS. (SEE ATTACHED)

E. APPROVE OFFERS TO PURCHASE TAX FORECLOSED PROPERTIES: (PCT 1) LOT 1 & PART OF LOT 2B, SECTION 3, FOREST SPRINGS, CAUSE NO. T13-614; (PCT 2) LOTS 29 & 30, SECTION 1, CANYON PARK, CAUSE NO. T11-532; (PCT 4) TRACTS 3B-1 & 3B-1-C,

J.R. JONES SURVEY, ABSTRACT 370, CAUSE NO. T11-459.

- F. APPROVE EQUITABLE SHARING AGREEMENT AND CERTIFICATION REGARDING SHERIFF'S DEPARTMENT FY13 FEDERAL FORFEITURES AND SEIZURES. (SEE ATTACHED)
- G. RECEIVE THE FY14 STATEMENT OF FINANCIAL POSITION OF THE 258<sup>TH</sup> & 411<sup>TH</sup> COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT. (SEE ATTACHED)
- H. APPROVE INTER-LOCAL AGREEMENT RENEWING SERVICES WITH HARRIS COUNTY FOR POSTMORTEM EXAMINATIONS.
- I. APPROVE FUNDING AGREEMENTS FOR TXDOT OFF SYSTEMS BRIDGE REPLACEMENTS CSJ:091104-028, 067, 068, 069 & 070.
- J. RECEIVE COUNTY TREASURER'S AMENDED 3<sup>RD</sup> QUARTER REPORT FOR FY2014 (APRIL - MAY - JUNE) AND 4<sup>TH</sup> QUARTER REPORT FOR FY2014 (JULY - AUGUST - SEPTEMBER). (SEE ATTACHED)

JUDGE THOMPSON DISCUSSED ITEM 5.

- 5. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, APPROVAL OF ORDER DESIGNATING REINVESTMENT ZONE RELATING TO CORRIGAN OSB, L.L.C. APPLICATION FOR TAX ABATEMENT.  
ALL VOTING YES. (SEE ATTACHED)

DISCUSSION OF ITEM 6 BY JUDGE THOMPSON, ROY O. MARTIN III, BLAKE COOPER & SONNY ECKHART.

- 6. MOTIONED BY MILTON PURVIS, SECONDED BY TOMMY OVERSTREET, APPROVAL OF TAX ABATEMENT TERMS & CONDITIONS BETWEEN POLK COUNTY AND CORRIGAN OSB, L.L.C. AND AUTHORIZE COUNTY JUDGE TO EXECUTE TAX ABATEMENT AGREEMENT PENDING REVIEW BY LEGAL COUNSEL.  
ALL VOTING YES.
- 7. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO CANCEL THE DECEMBER 23, 2014 MEETING AND AUTHORIZING AUDITOR TO PAY BILLS.  
ALL VOTING YES.  
MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO RESCHEDULE THE JANUARY 13, 2015 COMMISSIONERS COURT MEETING TO JANUARY 14, 2015.  
ALL VOTING YES.

STEVE HULLIHEN ADVISED COURT THEY NEEDED MORE TIME TO REVIEW THE ITEM 8 BIDS.

8. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, TO TABLE "CONSIDER AND TAKE ANY/ALL NECESSARY ACTION REGARDING BID #2015-11 (PURCHASE OF AN INTEGRATED TAX COLLECTION SOFTWARE/HARDWARE SYSTEM) TO INCLUDE STATEMENT OF AMOUNT TO BE PAID FROM GENERAL FUND BALANCE AND INCLUDED ON THE FY2015 REIMBURSEMENT RESOLUTION FOR YEAR-END ISSUANCE OF LEGALLY AUTHORIZED DEBT".  
ALL VOTING YES.

STEVE HULLIHEN DISCUSSED ITEM 9 & 10.

9. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, APPROVAL OF SHERIFF'S DEPARTMENT REQUEST FOR CAPITAL PURCHASE OF (21) DESKTOP COMPUTERS AT \$980 EACH, (1) NAS BACKUP AND STORAGE DEVICE AT \$16,000 AND (2) COMPUTER TABLETS AT \$1,400 EACH FOR A TOTAL NOT TO EXCEED \$39,380 TO BE PAID FROM GENERAL FUND BALANCE AND INCLUDED IN THE FY2015 REIMBURSEMENT RESOLUTION FOR YEAR END ISSUANCE OF LEGALLY AUTHORIZED DEBT.  
ALL VOTING YES.

10. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, TO APPROVE COUNTY CLERK REQUEST FOR CAPITAL PURCHASE OF (2) COMPUTER/MONITORS/SOFTWARE UNITS AT \$1,200 EACH, (4) DESKTOP SCANNERS AT \$1,500 EACH, (2) PRINTERS AT \$600 EACH AND (3) FORM-FEED PRINTERS AT \$600 EACH FOR A TOTAL NOT TO EXCEED \$11,400 TO BE PAID FROM GENERAL FUND BALANCE AND INCLUDED IN THE FY2015 REIMBURSEMENT RESOLUTION FOR YEAR END ISSUANCE OF LEGALLY AUTHORIZED DEBT.  
ALL VOTING YES.

SONNY ECKHART & JAY BURKS DISCUSSED ITEM 11.

11. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO SUSPEND THE COUNTY'S LIFE SAFETY 101 CODE UNTIL FIRST COMMISSIONERS COURT MEETING IN JANUARY.  
ALL VOTING YES.

JUDGE THOMPSON, SONNY ECKHART AND JAY BURKS DISCUSSED ITEM 12.

12. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, TO APPROVE TERMINATION OF THE LEASE FOR THE MANAGEMENT OF THE DUNBAR COMMUNITY CENTER AND AUTHORIZE COUNTY MAINTENANCE TO ASSUME MANAGEMENT DUTIES RELATED TO THE DUNBAR FACILITY.

ALL VOTING YES.

13. MOTIONED BY MILTON PURVIS, SECONDED BY BOB WILLIS, TO DELETE "CONSIDER AND TAKE ANY/ALL NECESSARY ACTION TO APPROVE THE POTENTIAL ACQUISITION OF SANTEK ENVIRONMENTAL OF TEXAS, L.L.C., BY A PRIVATE EQUITY FIRM, GTCR, L.L.C., PURSUANT TO A LANDFILL AND MUNICIPAL SOLID WASTE OPERATING AGREEMENT, POLK COUNTY HAS CONTRACTED WITH SANTEK ENVIRONMENTAL OF TEXAS, L.L.C. FOR THE GENERAL OPERATION AND MAINTENANCE OF THE POLK COUNTY TYPE I SOLID WASTE CENTER LANDFILL. SAID AGREEMENT PROVIDES THAT EQUITY IN SANTEK ENVIRONMENTAL OF TEXAS, L.L.C. MAY NOT BE TRANSFERRED WITHOUT THE EXPRESSED PRIOR WRITTEN CONSENT OF POLK COUNTY. GTCR PROPOSES TO ACQUIRE THE MAJORITY OF THE EQUITY INTEREST IN SANTEK HOLDINGS, INC., OF WHICH SANTEK ENVIRONMENTAL OF TEXAS IS A SUBSIDIARY. SANTEK ENVIRONMENTAL OF TEXAS HAS REQUESTED THAT POLK COUNTY APPROVE THE TRANSFER. POLK COUNTY MAY CONSIDER AND TAKE POSSIBLE ACTION IN APPROVING THE POSSIBLE ACQUISITION AS WELL AS THE TERMS OF ANY WRITTEN CONSENT BY THE COUNTY".

ALL VOTING YES.

#### EXECUTIVE SESSION

MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO ENTER INTO EXECUTIVE SESSION AT 10:44 A.M. AS AUTHORIZED BY TEXAS GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.0725, HAVING RECEIVED WRITTEN DETERMINATION FROM LEGAL COUNSEL CONFIRMING THAT DELIBERATION IN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON CONTRACT RELATING TO THE OPERATION AND MANAGEMENT OF THE IAH SECURE ADULT DETENTION FACILITY (SEE ATTACHED). (ALL VOTING YES)

- A CLOSED MEETING WILL BE HELD PURSUANT TO SECTION 551.071 OF THE GOVERNMENT CODE REGARDING CONSULTATION WITH ATTORNEY TO SEEK ADVICE ON PENDING AND CONTEMPLATED LITIGATION, SETTLEMENTS, AND OTHER MATTERS, WHICH ARE CONFIDENTIAL UNDER THE DISCIPLINARY RULES OF THE STATE BAR, ON WHICH THE DUTY OF THE ATTORNEY OF THE COUNTY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT, REGARDING THE NEGOTIATION OF LEGAL RESPONSIBILITIES

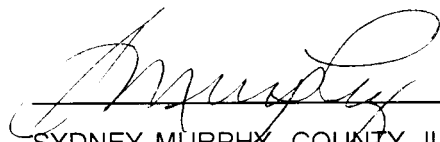
RELATED TO THE FINANCING AND OPERATION OF THE IAH DETENTION CENTER AND  
THE RELATED REVENUE BOND FINANCING.

EXECUTIVE SESSION ENDED AT 11:11 A.M. & COURT RETURNED TO OPEN SESSION.  
HERB BRISTOW & SONNY ECKHART DISCUSSED ITEM 14.

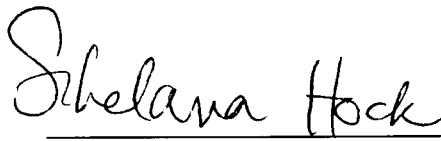
14. MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, APPROVAL OF (A)  
AMENDMENT AND RENEWAL OF FACILITY OPERATION AND MANAGEMENT SERVICES  
AGREEMENT RELATED TO THE OPERATION AND MANAGEMENT OF IAH DETENTION FACILITY;  
AND (B) AGREEMENT REGARDING PROTECTIVE ADVANCES AND FORBEARANCE.  
ALL VOTING YES. (SEE ATTACHED)

ADJOURN:

MOTIONED BY TOMMY OVERSTREET, SECONDED BY MILTON PURVIS, TO ADJOURN COURT THIS 9<sup>TH</sup>  
DAY OF DECEMBER, 2014 AT 11:14 A.M.  
ALL VOTING YES.

  
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SYDNEY MURPHY, COUNTY JUDGE

ATTEST:

  
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SCHELANA HOCK, COUNTY CLERK