

## COMMISSIONERS' COURT MINUTES

**JANUARY 26, 2009**

The Commissioners' Court of Wharton County, Texas met during Regular Session on Monday, January 26, 2009 in the Wharton County Commissioners' Courtroom, Wharton County Courthouse Annex, 309 E. Milam Street, Wharton, Texas with the following members: County Judge John W. Murrile, Commissioners' Leroy Dettling, Pct.1, D.C. "Chris" King, Pct.2, Philip Miller, Pct.3, and James E. Kainer, Pct.4.

**CALL TO ORDER** at 09:37 A.M.

**Commissioner King absent.**

**INVOCATION** by Commissioner Pct.1, Leroy Dettling

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Commissioner Leroy Dettling stated they are hauling a lot of gravel and announced the death of Henry Kruger who was a past local Lone Star distributor.

Commissioner Philip Miller stated they are working on the roads.

Commissioner Jimmy Kainer stated its real dry and we need some rain.

County Judge Murrile congratulated County Clerk Sandra K. Sanders on her 20 hours of continuing education for 2008.

### **1. Resolution #09-09 to apply for 2009-2010 Texas Community Development Block Grant Assistance under the Community Development Fund.**

County Judge Murrile read the resolution #09-09 to apply for 2009-2010 Texas Community Development Block Grant Assistance under the Community Development Fund into the minutes.

Bruce Spitengel with Grant Works addressed the court.

Motion by Leroy Dettling, second by Philip Miller to approve resolution #09-09 to apply for 2009-2010 Texas Community Development Block Grant Assistance under the Community Development fund for Vallejo Subdivision in Pct.4 in the amount of \$350,000.00 with \$17,500.00 matching funds from Pct.4 and authorizing County Judge Murrile to sign all applications, all in favor. Approved 3-0.

**4. Accept petition for creation of Emergency Service District #4.**

Motion by Philip Miller, second by Jimmy Kainer to approve and accept petition for creation of Emergency Service District #4, all in favor. Approved 3-0.

**5. Accept resolutions for City of El Campo for the creation of Emergency Service District #4.**

Motion by Philip Miller, second by Leroy Dettling to approve and accept resolution from the City of El Campo for the creation of Emergency Service District #4, all in favor. Approved 3-0.

**6. Set date and time for public hearing for creation of Emergency Service #4.**

Motion by Philip Miller, second by Jimmy Kainer to set public hearing for the creation of Emergency Service #4 on Monday, February 23, 2009 at 10:00 A.M., all in favor. Approved 3-0.

**12. Accept petition for creation of Emergency Service District #3.**

Motion by Philip Miller, second by Jimmy Kainer to accept petition for creation of Emergency Service District #3, all in favor. Approved 3-0.

**13. Accept resolutions from City of Wharton for the creation of Emergency Service District #3.**

Motion by Leroy Dettling, second by Philip Miller to accept resolutions from the City of Wharton for the creation of Emergency Service District #3, all in favor. Approved 3-0.

**14. Set date and time for public hearing for creation of Emergency Service District #3.**

Motion by Philip Miller, second by Leroy Dettling to set public hearing for the creation of Emergency Service #3 on Monday, February 23, 2009 at 10:00 A.M., all in favor. Approved 3-0.

**2. Authorize County Judge to sign purchase agreement with Xerox for copy machine at East Bernard Library.**

Barbara Goodell addressed the court. The East Bernard Library is in need of a copy machine. The purchase price would be \$850.00 and the maintenance fee will be \$15.00 a month.

Motion by Jimmy Kainer, second by Leroy Dettling to authorize purchase and authorize County Judge Murrile to sign purchase agreement with Xerox for copy machine for the East Bernard Library in the purchase amount of \$850.00 and a maintenance fee of \$15.00 a month, all in favor. Approved 3-0.

**3. Authorize County Judge to sign software licensing agreement and software maintenance agreement with Spindlemedia.**

County Tax Assessor-Collector, Patrick Kubala addressed this issue. They have the contract back from Spindlemedia signed by them and the County Attorney has approved. The total price is \$73,800.00 and the maintenance fee is \$10,500.00 a year. At this time they have already received about \$48,000.00 from other entities for this system.

Motion by Philip Miller, second by Leroy Dettling to approve and authorize County Judge Murrile to sign software licensing agreement and software maintenance agreement with Spindlemedia, all in favor. Approved 3-0.

**7. Accept application for tax abatement for Prasek Smokehouse-Hillje, Texas.**

Commissioner Miller addressed this issue. He has application for tax abatement for Prasek Smokehouse in Hillje, Texas they are going to add-on.

Motion by Philip Miller, second by Jimmy Kainer to accept application for tax abatement for Prasek Smokehouse in Hillje, Texas and authorize Commissioner Miller to negotiate, all in favor. Approved 3-0.

County Attorney G.A. "Trey" Maffett stated all finances and bank records are confidential until abatement is approved.

**8. Take all appropriate action on the plans for JP #3 building in Louise.**

Malcolm Gaus and Brian Burdette with RWS Architect addressed the court. They presented the building plans for JP.3 in Louise.

Motion by Philip Miller, second by Jimmy Kainer to accept plans for JP.3 Building in Louise and authorize sealed bid proposals to be opened in the County Auditor's Office on Tuesday, March 3, 2009 at 3:00 P.M. and presented to court on Monday, March 9, 2009, all in favor. Approved 3-0.

**9. Appoint JoAnn Vasina to Wharton-Matagorda Children's Protective Services Board for 3 year term 01-01-2009 thru 12-21-2011.**

Motion by Philip Miller, second by Jimmy Kainer to appoint JoAnn Vasina to the Wharton-Matagorda Children's Protective Services Board for a 3 year term from 01-01-2009 through 12-21-2011, all in favor. Approved 3-0.

**26. Appoint board members to Emergency Service District #2.**

Raymond Rabius	01-01-2009 through 12-31-2010
Britt Whitley	01-01-2009 through 12-31-2010
Billy Gerke	01-01-2009 through 12-31-2010
Chris Morse	01-01-2009 through 12-31-2009
Catherine Wondrash	01-01-2009 through 12-31-2009

Motion by Philip Miller, second by Jimmy Kainer to approve and appoint board members as stated to the Emergency Service District #2, all in favor. Approved 3-0.

**10. Reappointment of Juanita Chudalla to Wharton-Matagorda Children's Protective Services Board for 3 year term 01-01-2009 thru 12-31-2011.**

Motion by Philip Miller, second by Leroy Dettling to approve reappointment of Juanita Chudalla to the Wharton-Matagorda Children's Protective Services Board for a 3 year term from 01-01-2009 through 12-31-2011, all in favor. Approved 3-0.

**11. Appoint someone to fill unexpired term of Barbara Reed on the Wharton-Matagorda Children's Protective Services Board thru 12-31-2010.**

Put back on the next agenda February 9, 2009. Commissioner Dettling to check on this.

**15. Resolutions recognizing Justin Breedlove, Joseph Darr, Tyler Dawson, Colby Floyd, Miles Locke and Christopher Vacek for attaining rank of Eagle Scout.**

County Judge Murrile read the resolutions as follow.

Resolution #09-02 Justin Breedlove on adding landscaping to the EMS Station in East Bernard.

Resolution #09-03 Joseph Darr on converting a loft into classrooms at a facility called Just Do It Now in Wharton.

Resolution #09-04 Joshua Darr on building a fence around the Catholic Church playground in East Bernard.

Resolution #09-05 Tyler Dawson on adding landscaping to the American Legion Hall in East Bernard.

Resolution #09-06 Colby Floyd on building a fence around the Methodist Church playground in East Bernard.

Resolution #09-07 Miles Locke on organizing a "needs" drive for Children's Protective Services in Wharton.

Resolution #09-08 Christopher Vacek on replacing the “Welcome” sign coming into East Bernard.

Motion by Jimmy Kainer, second by Philip Miller to approve resolutions as stated by County Judge Murrile, all in favor. Approved 3-0.

**16. Approve overtime and holiday pay budgeted in the 2009 budget.**

Motion by Philip Miller, second by Leroy Dettling to approve to pay overtime/holiday pay in the total amount of \$124,128.45 with \$6,150.00 to come from contingency to be paid on January 30, 2009 pay period, all in favor. Approved 3-0.

**Recess for break at 10:41 A.M.**

**Reconvene at 11:00 A.M.**

**Revisit-11. Appoint someone to fill unexpired term of Barbara Reed on the Wharton-Matagorda Children’s Protective Services Board thru 12-31-2010.**

Motion by Jimmy Kainer, second by Leroy Dettling to appoint Mickey Reynolds to replace Barbara Reed on the Wharton-Matagorda Children’s Protective Services Board through 12-31-2010, all in favor. Approved 3-0.

**27. Update by Halff Associates on Master Drainage Plan.**

Wes Birdwell and Mickey Reynolds with Halff Associates presented update on the Master Drainage Plan.

**Commissioner King arrived at 11:05 A.M.**

They went over the Drainage Master Plan, the Budget Update, and Tasks for 2009. They went over the Drainage Criteria Manuel and they recommend the County adopting the plan.

They gave a web address for the county to use:

<http://gis.halff.com/wharton>

**17. Ratify approval of payroll in the amount of \$237,269.36 and payroll benefits in the amount of \$145,227.11 presented January 12, 2009.**

Motion by Philip Miller, second by Jimmy Kainer to ratify approval of payroll in the amount of \$237,269.36 and payroll benefits in the amount of \$145,227.11 as presented on January 12, 2009, all in favor. Approved 4-0.

**19. Ratify approval of time sensitive in the amount of \$230.94 presented December 8, 2008.**

Motion by Chris King, second by Leroy Dettling to ratify approval of time sensitive in the amount of \$230.94 as presented on December 8, 2008, all in favor. Approved 4-0.

**20. Ratify approval of time sensitive invoices in the amount of \$13,280.75 presented December 28, 2008.**

Motion by Jimmy Kainer, second by Philip Miller to ratify approval of time sensitive invoices in the amount of \$13,208.75 as presented on December 28, 2008, all in favor. Approved 4-0.

**21. Ratify approval of time sensitive invoices in the amount of \$20,655.19 presented January 12, 2009.**

Motion by Jimmy Kainer, second by Philip Miller to ratify approval of time sensitive invoices in the amount of \$20,655.19 as presented on January 12, 2009, all in favor. Approved 4-0.

**Recess for lunch at 11:56 A.M.**

**Reconvene at 1:15 P.M.**

**18. Ratify electronic fund transfer in the amount of \$2,281.97 and \$4,195.04 to Susser Petroleum.**

Pass at this time. Put back on next agenda Monday, February 9, 2009.

**22. Authorize County Treasurer and County Auditor to pay and release time sensitive invoices presented, payroll and applicable benefits for January 30, 2009 to be ratified by Commissioners' Court February 9, 2009.**

Motion by Philip Miller, second by Leroy Dettling to authorize County Treasurer and County Auditor to pay and release time sensitive invoices in the amount of \$36,180.62 as presented, payroll and applicable benefits for January 30, 2009 to be ratified by Commissioners' Court February 9, 2009, all in favor. Approved 3-0.

Commissioner Kainer absent for the vote.

**23. Budget adjustments.**

County Auditor Sharon H. Boedeker read the 2008 budget adjustments into the minutes.

Motion by Leroy Dettling, second by Jimmy Kainer to approve 2008 budget adjustments as read by the County Auditor, all in favor. Approved 4-0.

County Auditor Sharon H. Boedeker read the 2009 budget adjustments into the minutes.

Motion by Chris King, second by Leroy Dettling to approve 2009 budget adjustments as read by the County Auditor, all in favor. Approved 4-0.

**24. Budget amendments.**

County Auditor Sharon H. Boedeker read the 2008 budget amendments into the minutes.

Motion by Philip Miller, second by Jimmy Kainer to approve the 2008 budget amendments as read by the County Auditor, all in favor. Approved 4-0.

**25. Submit signed agreement with Wharton County Youth Fair dated October 9, 1995 for recording purpose only.**

County Auditor Sharon H. Boedeker addressed this issue. She has not been able to find a signed copy of this agreement.

Motion by Philip Miller, second by Jimmy Kainer to accept signed agreement with Wharton County Youth Fair dated October 9, 1995 for recording purposes only, all in favor. Approved 4-0.

**28. Accept Monthly Reports-Commissioner Pct.2-Nov. & Dec.; Theft-by-Check-Dec.; District Clerk-Dec.; Constable Pct.2-Dec.; Treasurer-Nov.; Library-Dec.; Library Annual Report.**

Commissioner Miller read monthly reports into the minutes.

Motion by Philip Miller, second by Jimmy Kainer to accept monthly reports as read by Commissioner Miller, all in favor. Approved 4-0.

**29. Permits.**

Pct.1-None

Pct.2-None

Pct.3-None

Pct.4-Heavy Load, Sanchez Oil & Gas, Hwy 71 to CR 424 to location.

Motion by Jimmy Kainer, second by Philip Miller to approve permit, all in favor. Approved 4-0.

### **30. Pay Claims.**

Sheriff & Jail are short \$12,000.00. They have received a bill from Caney Auto on the 2000 Dodge Durango in the amount of \$3,002.00.

Motion by Chris King, second by Leroy Dettling to pay the \$3,002.00 to Caney Auto out of the 2009 budget, all in favor. Approved 3-0.

Commissioner Miller absent for the vote.

They have a bill from Quill Corp. for a scanner in the amount of \$176.92 for the Indigent Health Care Department.

Motion by Philip Miller, second by Chris King to pay bill to Quill Corp. in the amount of \$176.92 with the I.T. Department signing off and setting a \$200.00 limit on computer equipment, all in favor. Approved 4-0.

They have a bill for the District Attorney's Office for a flash drive in the amount of \$53.98.

Motion by Chris King, second by Jimmy Kainer to pay bill for the District Attorney's Office in the amount of \$53.98 for a flash drive, all in favor. Approved 4-0.

\$1,119,056.11

\$2,916.66

\$11,865.72 Batch 50

Motion by Philip Miller, second by Jimmy Kainer to pay claims, all in favor. Approved 4-0.

County Judge Murrile absent for the vote.

### **ADJOURN**

Motion by Chris King, second by Philip Miller to adjourn, all in favor. Approved 4-0.