

STATE OF TEXAS

COUNTY OF WHARTON

BE IT REMEMBERED that a Regular Court Session was held on Monday, November 23, 2009 at 9:30 A.M. in the Commissioners' Courtroom of the Wharton County Courthouse Annex Building with the following in attendance:

John W. Murrile,	County Judge
Leroy Dettling,	Commissioner Pct.1
D.C. "Chris" King,	Commissioner Pct.2
Philip Miller,	Commissioner Pct.3
Jimmy Kainer,	Commissioner Pct.4

The meeting was called to order at 9:36 A.M., Leroy Dettling, Commissioner Pct.1 gave the invocation, County Judge John W. Murrile led in the pledge of allegiance, and the following business was transacted, to-wit:

Agenda items are in the order they were taken in the meeting.

Public Comments County Judge Murrile congratulated the County Auditor Sharon H. Boedeker on the hours she received at the TACA's 64th Annual Fall Conference.

Johnny Rabius addressed the court concerning CR 266 road closure by owner on the road. They have a fence across the road. Mr. Rabius feels he is getting the run around on what needs to be done.

Commissioner Miller announced that the Louise girls won state in 1A volleyball. Louise football lost their playoff game. El Campo football is still in the playoffs. They will play Dayton this Friday.

1. Bid tabulations Motion by Philip Miller, second by Jimmy Kainer to accept bids.

For Sheriff's

Department

vehicles for 2010

All Voted AYE. Motion Carried.

Motion by Philip Miller, second by Leroy Dettling to award bid for two Tahoe's from Caldwell Country Chevrolet in the amount of \$24,690.00 each and one Crown Victoria from Don Elliott Ford in East Bernard in the amount of \$20,923.56.

All Voted AYE. Motion Carried.

2. Interlocal agreement with Calhoun Co. for Housing Wharton County inmates
 Motion by Philip Miller, second by Chris King to approve interlocal agreement with Calhoun County for housing Wharton County inmates at a rate of \$44.00 a day and authorize County Judge Murrile to sign.
 All Voted AYE. Motion Carried.
 Commissioner Kainer absent for the vote.
8. Resolution #09-43 Support of FMTV Rebuy Contract
 County Judge Murrile read resolution #09-43 Support of FMTV Rebuy Contract into the minutes.
 Motion by Chris King, second by Leroy Dettling to approve resolution #09-43 Support of FMTV Rebuy Contract.
 All Voted AYE. Motion Carried.
 Commissioner Kainer absent for the vote.
5. 10:00 A.M. Public Hearing on setting speed limit on CR 166
 Open Public Hearing at 10:00 A.M. to discuss setting speed limit on CR 166 at the following locations: CR 166 (aka Alabama Rd.) between Everett St. and CR 133 (aka Freedom Rd.) and CR 166 between CR 129 (aka Montgomery Rd.) and CR 133. Commissioner Dettling announced the mph as advised per the Sheriff's Department.
 Close Public Hearing at 10:05 A.M.
6. Set speed limit on CR 166
 Motion by Leroy Dettling, second by Philip Miller to set speed limit at 30 mph on the curve on CR 166 to CR 133 and 40 mph at CR 129 to CR 133.
 All Voted AYE. Motion Carried.
 Commissioner Kainer absent for the vote.
7. Set Public Hearing for speed limit on CR 269 (Henry Road)
 Motion by Chris King, second by Leroy Dettling to set public hearing for speed limit on CR 269(Henry Road) for Monday, December14, 2009 at 10:00 A.M.
 All Voted AYE. Motion Carried.
 Commissioner Kainer absent for the vote.
9. Take action to purchase two shredder tractors from 09 funds
 Commissioner Miller addressed this issue. He has \$70,000.00 in his 2009 budget for a maintainer and \$65,000.00 appropriated for 2010. There are two tractors in at John Deere and not sure if they will still be there at shredding season. Would like to purchase the two tractors through HGAC.
 Will revisit.

12. Set cutoff day and time for 2009 account payables
County Auditor Sharon H. Boedeker addressed this issue. She is wanting to set cutoff day and time for the 2009 account payables to the Treasurers office to be on Monday, December 30, 2009 at 12 noon.

13. Auditors 3rd Quarter findings for 2009
County Auditor submitted findings for the 3rd quarter of 2009 for the following offices: County Treasurer, Sheriff Fuel Report, Precinct Fuel Reports, District Clerk Registry, District Clerk and Solid Waste Station.

Revisit

9. Take action to purchase two shredder tractors from 09 funds
The total price of the tractors is \$95,344.00 less the rebates of \$25,266.16 for a total of \$70,077.84. Both of the two tractors are John Deere 5101E. There are two tractors that are going to be trade-in's are they will go to auction.

Motion by Philip Miller, second by Leroy Dettling to authorize Commissioner Miller Pct.3 to purchase two John Deere 5101E tractors through HGAC in the amount of \$70,077.84 using 2009 funds with two tractors to be traded-in or sold.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

10. 2009 Budget Adjustments
County Auditor Sharon H. Boedeker read the 2009 budget adjustments into the minutes.

Motion by Philip Miller, second by Chris King to approve the 2009 budget adjustments less \$6,200.00 in Pct.3 020.614.107 as stated.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

Recess for 10 minutes at 10:33A.M.

Reconvene at 10:51 A.M.

19. Monthly Reports
Commissioner Miller read the monthly reports into the minutes.

Motion by Philip Miller, second by Leroy Dettling to accept monthly reports as stated.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

20. Permits

Pct.1 & 2-None.

Pct.3-Heavy Load-Ricochet Energy CR 389 to location.

Motion by Philip Miller, second by Leroy Dettling to approve.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

Pct.4-Bore-Amexco, LLC., C/O Riddle Engineering Corp. CR 452. Check has been received.

Motion by Philip Miller, second by Chris King to approve.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

3. Authorize purchase of 2010 Dodge Van from Title IVE funds

Holly McCown with Juvenile Probation addressed the court. They are wanting to purchase a 2010 Dodge van from Don Davis Dealership in El Campo in the amount of \$22,460.00 from Title IVE funds.

Motion by Chris King, second by Leroy Dettling to authorize purchase of 2010 Dodge van in the amount of \$22,460.00 from Title IVE funds.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

4. Authorize County Judge to sign agreement with Fort Bend Detention Center

Holly McCown with Juvenile Probation addressed the court. This is an annual contract.

Motion by Leroy Dettling, second by Philip Miller to authorize County Judge Murrile to sign agreement with Fort Bend Detention Center.

All Voted AYE. Motion Carried.

Commissioner Kainer absent for the vote.

15. Treasurer's Monthly Cash and Investment Report for October 2009 County Treasurer read the monthly Cash and Investment Report into the minutes. Motion by Philip Miller, second by Leroy Dettling to approve the Cash and Investment Report submitted by County Treasurer for October 2009 and authorize publication of Affidavit of same in accordance with Local Government Code 114.026 on the county's website.
- All Voted AYE. Motion Carried.
- Commissioner Kainer absent for the vote.

Commissioner Kainer arrived at 11:13 A.M.

16. Ratify payroll and benefits for 11-09-09 Motion by Philip Miller, second by Leroy Dettling to ratify approval of payroll in the amount of \$243,573.52 and payroll benefits in the amount of \$101,279.19 as presented on November 9, 2009.
- All Voted AYE. Motion Carried.
14. Agreement with Pitney Bowes for District Courts Building postage machine County Attorney recommend changes to page 3 paragraph 13 change from Utah law to Texas law. Put on the December 14, 2009 agenda.
11. 2010 bid tabulations for Fuel, Chemicals, Road Material and Oil-Based Road Materials Chief Bill Copeland with the Sheriff's Office wants to go with Thomas Petroleum. Commissioner Miller wants to remove the supply letter from the vendors from the bid packet. Motion by Philip Miller, second by Jimmy Kainer to accept all bids.
- All Voted AYE. Motion Carried.
- 2010 Road Material
- Motion by Chris King, second by Leroy Dettling to award Material bids as stated.
- All Voted AYE. Motion Carried.
- 2010 Fuel
- Motion by Philip Miller, second by Leroy Dettling to award Fuel bids for ultra low sulfur dyed diesel and unleaded regular gas conventional to Thomas Petroleum, Ltd.
- All Voted AYE. Motion Carried.

2010 Oil Based Road Material

Motion by Chris King, second by Leroy Dettling to award Oil Based Road Materials as stated.

All Voted AYE. Motion Carried.

17. Ratify time sensitive
11-09-09

Motion by Chris King, second by Leroy Dettling to ratify approval of time sensitive invoices in the amount of \$60,689.85 as presented to Commissioners' Court on November 9, 2009.

All Voted AYE. Motion Carried.

Commissioner Dettling voted-aye
Commissioner King voted-aye
County Judge Murrile voted-aye
Commissioner Miller and Commissioner Kainer absent for the vote.

18. Time sensitive and payroll benefits
11-30-09

Motion by Chris King, second by Philip Miller to authorize County Treasurer and County Auditor to pay and release time sensitive invoices in the amount of \$97,271.94 as presented, payroll and applicable benefits for November 30, 2009 to be ratified by Commissioners' Court on December 14, 2009.

All Voted AYE. Motion Carried.

Revisit

11. 2010 bid tabulations for Fuel, Chemicals, Road Material and Oil-Based Road Materials

2010 Chemical

Motion by Philip Miller, second by Jimmy Kainer to reject chemical bids and rebid for December 28, 2009 to be opened and presented.

All Voted AYE. Motion Carried.

21. Pay claims

Batch 50 \$4,675.66
AT&T \$3,715.80
Prihoda Gravel Co. \$416.46
Texas Association of Counties \$453.40
Zbranek Brothers \$90.00 (Pct.3-spot purchase for quality testing)

Motion by Chris King, second by Leroy Dettling to pay batch 50 claims.

All Voted AYE. Motion Carried.

\$49,050.80 JP revised
\$86,651.16 JP revised
\$134,219.92 JP revised
\$55,624.73 JP revised
\$173,698.31

Motion by Philip Miller, second by Jimmy Kainer to pay claims.

All Voted AYE. Motion Carried.

Adjourn

Motion by Philip Miller, second by Leroy Dettling to adjourn.

All Voted AYE. Motion Carried.

Commissioner King absent for the vote.