

**SCANNED**

Date: 7/13/10

TYLER COUNTY COMMISSIONERS COURT  
SPECIAL MEETING  
MAY 20, 2010 ---- 1:30 p.m.

THE STATE OF TEXAS                      ON THIS THE 20<sup>th</sup> day of May, 2010 the  
Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at  
the Commissioners' Courtroom in Woodville, Texas, the following members of the Court  
present, to wit:

JACQUES L. BLANCHETTE	COUNTY JUDGE, Presiding
RUSTY HUGHES	COMMISSIONER, PCT. #2
MIKE MARSHALL	COMMISSIONER, PCT. #3
JACK WALSTON	COMMISSIONER, PCT. #4
JACKIE SKINNER	DEPUTY COUNTY CLERK, Ex-Officio

The following were absent: Commissioner Nash    thereby constituting a quorum. In  
addition to the above were:

SHARON FULLER	COUNTY TREASURER
JOYCE MOORE	COUNTY AUDITOR
JOE SMITH	CRIMINAL DISTRICT ATTORNEY
LOU CLOY	ASST CRIMINAL DISTRICT ATTORNEY

**DISCUSSION:** On the process and roles that will be required in expediting of the Disaster Recovery  
Texas Community Development Block Grant Program (TxCDBG) Contract no. DRS010191.

Phyllis Foulds, Disaster Recovery Specialist with **Texas Department of Rural Affairs**  
addressed the court and gave an overview of the grant and the projects included. She  
explained that this grant was a reimbursement grant and explained ways that the  
payments could be expedited. Everything will be approved in court prior to payment. It  
was explained that the engineer must sign off and approve all work before requests for  
payment can be made. After Phyllis Foulds had completed her presentation David  
Waxman addressed her with the questions that the county had regarding clauses in the  
contract. He explained that the question was the county's liability in regard to work after  
completion of a job. He stated all the contractors were hired by HUD not the county. He  
asked what happens if after the work is completed, the engineer signs off and payment  
has been made and 6 months to 1 year after the job was completed, a piece of material  
that was used is found to be defective, who is liable the state or the county? Mr. Waxman  
stated that if the state is the one that contracted with the company to do the work he felt  
they should be liable not the county. The District Attorney Joe Smith and the Assistant  
District Attorney Lou Cloy stated the clause in the contract that said that HUD would be  
"held harmless" sounded like the county or state would be liable. Phyllis Foulds and  
Maureen Mahoney said the answer to that question would have to be addressed by their  
legal department.

The County Judge brought up the money issue- about how long the county would have to  
wait to be reimbursed for the expenses. Phyllis Foulds said there could be multiple draws  
per month or it could be set up in the contract that the payments to the vendor would only  
be paid after the receipt of the money from HUD. It was also asked if the Commissioners  
wanted day to day emails. Pat Oates said he would send the reports to keep the local  
entities and offices informed.

A motion was made by Commissioner Marshall and seconded by Commissioner Walston  
for the meeting to adjourn. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 2:50 p.m.

I, Donece Gregory, County Clerk and ex officio member of the Tyler County Commissioners  
Court, do hereby certify to the fact that the above is a true and correct record of the Tyler County  
Commissioners Court session held on May 20, 2010.

Witness my hand and seal of office on this the 8th day of July, 2010.

Attest:   
Donece Gregory, County Clerk, Tyler County, Texas

**EXHIBIT A**

**CONTRACT NO. DRS010191**

**PERFORMANCE STATEMENT**

**County of Tyler**

Grantee shall carry out the following activities in the target area identified in its 2008 Texas CDBG Disaster Recovery Supplemental Grant application to aid areas most impacted and distressed by Hurricanes Ike or Dolly. The persons to benefit from the activities described in this Performance Statement must be receiving service or a benefit from the use of the new or improved facilities and activities for the contract obligations to be fulfilled. Grantee shall ensure that the amount of funds expended for each activity described does not exceed the amount specified for such activity in Exhibit B, Budget.

As a result of Hurricane Ike on September 13, 2008, the county's water facilities, fire stations, and justice center failed to function. The failure to function was due to loss of normal electrical power service for several days. The failure of these facilities to function threatened the public health, safety, and welfare of all served by these facilities due to lack of a potable water supply, lack of adequate shelter, and compromised emergency services. The county is in need of adequately-sized generators that will serve as a backup power supply to operate these facilities.

Also, as a result of Hurricane Ike, several roads and bridges were damaged by standing water, flying debris, heavy vehicles during debris removal, utility repair, and relief efforts that caused the roads to fail to function as the primary access for the area. The failure of the roads and bridges to function threatens the public health, safety, and welfare of all served by the roads and bridges due to uneven roadway surfaces, structurally damaged bridges, and impeded emergency vehicle access. The county is in need of infrastructure improvements including road repair and bridge replacement to ensure roadway function.

In addition, the Senior Citizen Center failed to function as an emergency shelter. The failure to function was due to a lack of adequate kitchen facilities and a lack of shower and sleeping facilities. The failure of the shelter to function threatens the public health, safety, and welfare of all served by the facility due to a lack of adequate shelter. The county is in need of expanded shelter facilities to ensure adequate emergency shelter.

Water Facilities-1a

Grantee shall purchase and install one (1) one hundred twenty-five kilowatt (125 kW) permanently-affixed, propane-fueled generator with automatic transfer switch and associated appurtenances. Grantee shall construct a concrete pad for generator mounting and perform site work associated with construction. Construction shall take place at the Chester Water Supply Corporation Water Plant #1 located at 141 Cade Street, in Chester, Texas. Installation of the backup generator will ensure continuous operation of the water plant and uninterrupted water service.

These activities shall benefit nine hundred twelve (912) persons, of which two hundred seventy-one (271), or twenty-nine percent (29%), are of low to moderate income.

Street Improvements-4

Grantee shall make the following repairs and improvements to county roads at the following locations:

<u>Location</u>	<u>Activity</u>
County Road 4260 (Seneca Road) Precinct 1- From Hillister to 6.5 miles south of Woodville. Length approximately 9.3 miles.	Regrade and recompact approximately ninety thousand square yards (90,000 s.y.) of roadway, apply prime coat, place twelve thousand five hundred tons (12,500 ton) of three inch (3 in.) oil-sand surface, and perform site work associated with construction.
County Road 1205 (Tolar Road) Precinct 1- From U.S. Highway 69 to west of the Ivanhoe Area Length approximately 1.8 miles.	Prepare approximately thirteen thousand square yards (13,000 s.y.) of roadway, place two thousand six hundred tons (2,600 ton) of four inch (4 in.) compacted limestone road surfacing material, and perform site work associated with construction.
Spring Valley Road Precinct 2- From U.S. Highway 69 to 3.5 miles north. Length approximately 3.2 miles.	Regrade and recompact approximately fifty-seven thousand square yards (57,000 s.y.) of roadway, apply prime coat and fifty-seven thousand square yards (57,000 s.y.) of two inch (2 in.) hot mix asphalt surface, and perform site work associated with construction.
County Road 4950/ 4700 (Bottom Loop Road) Precinct 4. Length approximately 5.6 miles.	Regrade and recompact approximately fifty-three thousand square yards (53,000 s.y.) of roadway, apply prime coat, place seven thousand five hundred tons (7,500 ton) of three inch (3 in.) oil-sand surface, and perform site work associated with construction.

Grantee shall remove the existing county timber bridges and install a new bridge structure including pilings, abutments, beams, traffic railings, slab, and roadway approach reconstruction at the following locations:

<u>Location</u>	<u>Activity</u>
Precinct 3: County Road 3625- Ebenezer Road Bridge: 40 foot long X 24 foot wide	Remove and reconstruct a one thousand forty square foot (1,040 s.f.) bridge.
Precinct 3: County Road 3630- Wolf Creek Bridge #1 40 foot long X 24 foot wide	Remove and reconstruct a one thousand forty square foot (1,040 s.f.) bridge.
Precinct 3: County Road 3630- Wolf Creek Bridge #2 30 foot long X 24 foot wide	Remove and reconstruct a seven hundred eighty foot (780 s.f.) bridge.
Precinct 3: County Road 3725- Hopson Mill Bridge 40 foot long X 24 foot wide	Remove and reconstruct a one thousand forty square foot (1,040 s.f.) bridge.
Precinct 3: County Road 3725- Pamplin Road Bridge 60 foot long X 24 foot wide	Remove and reconstruct a one thousand five hundred sixty square foot (1,560 s.f.) bridge.
Precinct 4: County Road 4375- Moss Road Bridge 40 foot long X 24 foot wide	Remove and reconstruct a one thousand forty square foot (1,040 s.f.) bridge.
Precinct 4: County Road 4600- Pump Station Road 100 foot long X 24 foot wide	Remove and reconstruct a two thousand six hundred square foot (2,600 s.f.) bridge.
Precinct 4: County Road 4875- Midway Road Bridge 60 foot long X 24 foot wide	Remove and reconstruct a one thousand five hundred sixty square foot (1,560 s.f.) bridge.

In addition, grantee shall remove an existing timber bridge and construct a twenty-six linear foot (26 l.f.) concrete box culvert with a four-inch (4 in.) concrete seal slab and two (2) concrete wingwalls. Grantee shall clarify, shape, and compact approximately two hundred linear feet (200 l.f.) of roadway and purchase and install four hundred fifty square yards (450 s.y.) each of Hot Mix Asphalt Concrete (HMAC) base and surface, traffic railing, four (4) metal beam guard fence terminal anchors, twenty-five square yards (25 s.y.) of rock riprap, and perform site work associated with construction. Construction shall take place on County Road 4600 in Precinct 4.

The repairs and reconstruction will restore and ensure the function of the roads and bridges.

These activities shall benefit nine thousand three hundred nineteen (9,319) persons, of which three thousand seven hundred sixty-eight (3,768), or forty percent (40%), are of low to moderate income.

Neighborhood Facilities/ Community Centers-6

Grantee shall make renovations to the community center to enable the building to function as an emergency shelter. Grantee shall construct an approximately one thousand square foot (1,000 s.f.) addition to the existing building, and furnish it for use as a restroom and shower facility that meets ADA standards. Grantee shall improve and enlarge the kitchen, install permanent folding partitions to be used as sleeping quarters, and install perimeter fencing and gates. Construction shall take place at the Senior Citizens Center at 201 Veterans Way in Tyler County, Texas. The improvements will provide a secure emergency shelter with shower and sleeping facilities, and adequate sanitary and food storage facilities.

These activities shall benefit nineteen thousand two hundred ninety-five (19,295) persons, of which eight thousand one hundred fifteen (8,115), or forty-two percent (42%), are of low to moderate income.

Fire Protection Facilities and Equipment-10

Grantee shall purchase and install permanently-affixed, propane-fueled generators with manual transfer switches and associated appurtenances. Grantee shall construct a concrete pad for generator mounting and perform site work associated with construction. Construction shall take place at the Volunteer Fire Department (VFD) stations at the following locations:

<u>Location</u>	<u>Generator Size</u>
Fred VFD- 20707 FM 92	one (1) twenty kilowatt (20 kW) generator
Spurger VFD- 111 County Road 4433	one (1) thirty-five kilowatt (35 kW) generator
Dam B VFD- 1343 FM 92	one (1) twenty kilowatt (20 kW) generator
Warren VFD- 221 County Road 1550	one (1) twenty kilowatt (20 kW) generator
Ivanhoe VFD- 611 Friar Tuck	one (1) twenty kilowatt (20 kW) generator
White Tail Ridge VFD- 2204 County Road 2200	one (1) twenty kilowatt (20 kW) generator
Wildwood VFD- 404 West Wildwood Drive	one (1) twenty kilowatt (20 kW) generator

Installation of the backup generators will ensure continuous operation of the fire station.

These activities shall benefit sixteen thousand two hundred thirty-seven (16,237) persons, of which six thousand six hundred fifteen (6,615), or forty percent (40%), are of low to moderate income.

#### pecially Authorized Public Facilities and Improvements-14

Grantee shall purchase and install one (1) two hundred fifty kilowatt (250 kW) permanently-affixed, diesel-fueled generator with automatic transfer switch and associated appurtenances. Grantee shall construct a concrete pad for generator mounting and perform site work associated with construction. Construction shall take place at the Tyler County Justice Center located on Highway 69 North in Woodville, Texas. Installation of the backup generator will ensure continuous operation of the justice center and adequate sanitary and food storage facilities.

These activities shall benefit nineteen thousand two hundred ninety-five (19,295) persons, of which eight thousand one hundred fifteen (8,115), or forty-two percent (42%), are of low to moderate income.

#### Acquisition-24

Grantee shall acquire easements as needed to accommodate the Senior Citizen Center building addition. Grantee shall carry out all acquisition of needed real property, easements, and/or rights-of-way in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 *et seq.*) and HUD implementing regulations (24 CFR Part 42).

#### Engineering-30

Grantee shall ensure the amount of TDRA funds expended for all eligible project-related engineering services, including preliminary and final design plans and specifications, all interim and final inspections, and all special services, does not exceed the amount specified for engineering in Exhibit B, Budget.

#### Planning / Project Delivery-33

Grantee shall ensure the amount of TDRA funds expended for all eligible project-related "planning / project delivery" administration activities, including the required annual program compliance and fiscal audit, does not exceed the amount specified for Planning / Project Delivery in Exhibit B, Budget.

**EXHIBIT B**

**CONTRACT NO. DRS010191**

**BUDGET**

**County of Tyler**

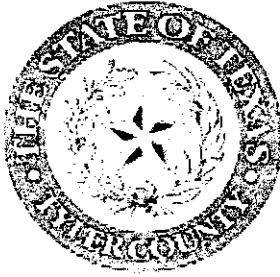
<u>LINE CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
1a. Water Facilities	\$ 76,000	\$ -0-	\$ 76,000
1b. Sewer Facilities	\$	\$	\$
2. Solid Waste Disposal Facilities	\$	\$	\$
3. Other Public Utilities (Gas)	\$	\$	\$
4. Street Improvements	\$ 5,820,200	\$ -0-	\$ 5,820,200
5. Flood and Drainage Facilities	\$	\$	\$
5a. Flood and Drainage – Debris Removal	\$	\$	\$
6. Neighborhood Facilities/ Community Centers	\$ 280,234	\$ -0-	\$ 280,234
7. Senior Centers	\$	\$	\$
8. Centers for the Handicapped/ Sheltered Workshops	\$	\$	\$
9. Parks, Playgrounds, and Other Recreational Facilities	\$	\$	\$
10. Fire Protection Facilities and Equipment	\$ 280,600	\$ -0-	\$ 280,600
11. Parking Facilities	\$	\$	\$
12. Pedestrian Malls and Walkways	\$	\$	\$
13. Specially Authorized Assistance to Privately Owned Utilities	\$	\$	\$
14. Specially Authorized Public Facilities and Improvements	\$ 153,000	\$ -0-	\$ 153,000
15. Public Services (LIMITED TO 15% OF REQUEST)	\$	\$	\$
16. Interim Assistance	\$	\$	\$

<u>LINE</u>	<u>CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
32.	General Administration	\$	\$	\$
32a.	COG Administration	\$	\$	\$
33.	Planning / Project Delivery	\$ 414,090	\$ -0-	\$ 414,090
	TOTALS	\$ 7,724,124	\$ -0-	\$ 7,724,124

<u>LINE</u>	<u>CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
17.	Rehabilitation of Private Properties (Housing)	\$	\$	\$
17a.	Rehabilitation of Private Properties (Water Service)	\$	\$	\$
17b.	Rehabilitation of Private Properties (Sewer Service)	\$	\$	\$
17c.	Rehabilitation – Housing Reconstruction	\$	\$	\$
17d.	Rehabilitation – Emergency Repairs	\$	\$	\$
18.	Rehabilitation of Public Residential Structures	\$	\$	\$
19.	Public Housing Modernization	\$	\$	\$
19a.	Homeownership Assistance	\$	\$	\$
19b.	Affordable New Housing	\$	\$	\$
20.	Clearance Demolition Activities	\$	\$	\$
21.	Historic Preservation	\$	\$	\$
22.	Removal of Architectural Barriers	\$	\$	\$
23.	Code Enforcement	\$	\$	\$
24.	Acquisition	\$ 75,000	\$ -0-	\$ 75,000
25.	Relocation Payments & Assistance	\$	\$	\$
26.	Economic Development Loan	\$	\$	\$
27.	Economic Devel. Interest Subsidy	\$	\$	\$
28.	Economic Devel. Loan Guarantee	\$	\$	\$
29.	Special Activities by Local Devel Corporations, Etc.	\$	\$	\$
30.	Engineering/Architectural Serv. (Total for all construction accounts)	\$ 625,000	\$ -0-	\$ 625,000
31.	Planning Study (NOT TO EXCEED 16%)	\$	\$	\$
31a.	COG Planning	\$	\$	\$



pat.



**TYLER COUNTY COMMISSIONERS COURT**  
County Courthouse, Room 102 / Woodville, Texas

Thursday  
May 20, 2010  
1:30 PM

MARTIN NASH  
Commissioner, Pct. 1

RUSTY HUGHES  
Commissioner, Pct. 2

JACQUES L. BLANCHETTE  
County Judge

MIKE MARSHALL  
Commissioner, Pct. 3

JACK WALSTON  
Commissioner, Pct. 4

**NOTICE** Is hereby given that a *Special Meeting* of the Tyler County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

## Agenda

*"the wisdom to know what's right and the courage to do it"*

- **CALL TO ORDER** 1:30pm
  - Establish quorum

- I. **DISCUSSION:** On the process and roles that will be required in expediting of the Disaster Recovery Texas Community Development Block Grant Program (TxCDBG) Contract No. DRS010191.

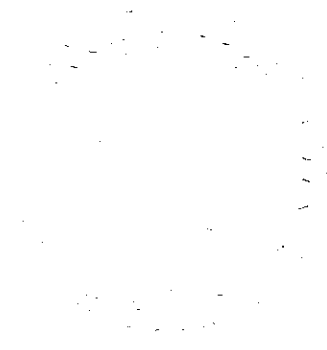
- **ADJOURN**

I do hereby certify that the above Notice of Meeting of the Tyler County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice at the Tyler County Courthouse in a place readily accessible to the general public at all times and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting, as is required by Section 551.002 & 551.041.

Executed on May 14 2010 Time 12:52 PM

Donece Gregory, County Clerk/Ex Officio Member of Commissioners Court

By: Donece Gregory (Deputy)



Present : Jacques L. Blanchette ✓  
M. Nash - absent ✓  
R. Hughes ✓  
M. Marshall ✓  
G. Walston ✓  
G. Moore ✓  
G. Skinner ✓  
Phyllis Foulds ✓  
Maureen Mahoney ✓  
Pat. Oates ✓  
Leslie Waxman ✓  
David Waxman ✓  
Sue Shaw ✓  
Phil Ryan ✓  
Audrey Pelly ✓  
Sharon Fuller ✓  
Lou Cloy ✓  
Joe Smith ✓

Phyllis Foulds addressed the court

Overview of grant + projects  
expedite payments

Everything approved in court (payments)

Engineer must sign off first on all payments request

D. Waxman liability issue  
contract / state + county (liable)

Environmental Service Provider

Do not hold us liable for the people that were hired by the state

Environmental mistake - HUD - did not choose the contractor

3 Party Agreement

Maureen Mahoney informed the court

County Grant Administrator

+  
Engineer

Will be addressed by their legal department (Maureen Mahoney) (Sheila Taylor)

Section 10

- Low Clay

TDR harmless

Multiple draw downs - twice - three  
(approved payment only after the receipt of the money from HUD) - Phyllis Foulds

It was brought up + asked if the Commissioner wanted the day to day emails, Pat said he would send the reports to keep the local entities officials

Central Distribution Point Contact  
will be managed outside our usual scope of grant administration

Maureen Mahoney

stated people will still be doing their same function

same records oversight

She said IKE Projects - TDR - needs to take a more visual approach

Trust - Wayman - History

Leslie stated however we aren't in control of the money

David Wayman asked 'Resident inspection' ? - hired by C/court - to be present

(planning + project delivery) cost funds could be transferred

There is a maximum cap. (Would not be a construction cost)

← Based on 90 →

← Meeting Adjourned @ 2:50pm →