

TYLER COUNTY COMMISSIONERS COURT
SPECIAL MEETING
March 5, 2012 ---- 9:30 a.m.

THE STATE OF TEXAS ON THIS THE 5th day of March, 2012 the
Commissioners' Court in and for Tyler County, Texas convened in a Special Meeting at the
Juvenile Department Conference Room in Woodville, Texas. The Commissioners' Courtroom
was being used by the Attorney General's office for child support court. The following members
of the Court present, to wit:

JACQUES L. BLANCHETTE	COUNTY JUDGE, Presiding
MARTIN NASH	COMMISSIONER, PCT. #1
RUSTY HUGHES	COMMISSIONER, PCT. #2
MIKE MARSHALL	COMMISSIONER, PCT. #3
JACK WALSTON	COMMISSIONER, PCT. #4
DONECE GREGORY	COUNTY CLERK, Ex-Officio

The following were absent: none thereby constituting a quorum. In addition to the above were:

JOE SMITH	CRIMINAL DISTRICT ATTORNEY
JACKIE SKINNER	COUNTY AUDITOR
SHARON FULLER	COUNTY TREASURER

A motion was made by **Commissioner Nash** and seconded by **Commissioner Hughes** to adopt the **resolution** supporting the application for **Victims of Crime Act Fund (VOCA)** grant. All voted yes and none no. SEE ATTACHED RESOLUTION

A motion was made by **Commissioner Walston** and seconded by **Commissioner Marshall** to adopt the **resolution** supporting the application for **Violence Against Women Act (VAWA)** grant. SEE ATTACHED RESOLUTION

The County Auditor expects the cost of the forensic audit to exceed the limit of \$20,000 previously set. **Judge Blanchette** motioned to approve an additional amount, not to exceed \$45,000, for the **forensic audit** of some of the **emergency service districts** to be appropriated out of the contingency fund. The motion was seconded by **Commissioner Marshall**. All voted yes and none no.

Kevin Gee, project manager with Goodwin-Lasiter, Inc. presented the counter proposal from Pinto Construction Company, Inc. regarding **road improvements on Seneca Road**. He stated the letter from the contractor proposes to over-lay 80% of the roadway. Commissioner Hughes stated that a one inch overlay may last 6 months to a year and then not hold up. Mr. Gee stated in summary the reply letter did not totally address what the court recommended. Mr. Gee answered in the affirmative to Commissioner Nash's inquiry as to whether Goodwin-Lasiter is comfortable with their recommendation (referring to the Goodwin-Lasiter letter of recommendation). Mr. Gee added their letter of recommendation was based on the observation and test data that the material was not produced in a quality manner, sufficient for it to stay there and needs to be removed. Commissioner Nash and Commissioner Walston both commented the condition of the road was much worse when wet from rain conditions. David Waxman, grant administrator, recommended a letter of rejection to the contractor and bonding company. Joe Smith inquired as to who had the test samples and advised the samples be available and not tampered with, nor destroyed. After much discussion about the type of material proposed, Mr. Gee wanted to note the next to last paragraph states that if their proposal was not acceptable, the contractor wanted to meet with all parties concerned. It was his opinion that was what this meeting was intended but the contractor was unable to attend because they would be in Austin. **Commissioner Nash** motioned to reject the counter proposal from Pinto Construction Company, Inc. and have the engineer to notify Pinto and their bonding company; and, to supply the results of the test to the bonding company and Pinto. The motion was seconded by **Commissioner Marshall**. Joe Smith advised they check on the actual material that was tested and may have more testing done. Mr. Waxman reported the additional tests and second opinions were eligible under the grant program. All voted yes and none no. SEE ATTACHED.

Commissioners' Court
March 5, 2012

Executive session was not held.

A motion was made by Commissioner Nash and seconded by Commissioner Marshall that the meeting adjourn. All voted yes and none no.

THERE BEING NO FURTHER BUSINESS, THE MEETING ADJOURNED: 10:00a.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 March 5, 2012.

Witness my hand and seal of office on this the 5th day of March, 2012.

Attest:



RESOLUTION

State of Texas §

County of Tyler §

WHEREAS, The Tyler County Commissioners Court finds it in the best interest of the citizens of Tyler County that the **Crime Victims Coordinator** be operated **September 1, 2012 through August 31, 2013**; and

WHEREAS, Tyler County Commissioners Court agrees to provide the minimum matching percentage for the said project as required by the Office of the Governor, Criminal Justice Division, **Victims of Crime Act Fund (VOCA)** grant application; and

WHEREAS, Tyler County Commissioners Court agrees that in the event of loss or misuse of the Criminal Justice Division funds, Tyler County Commissioners Court assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, Tyler County Commissioners Court designates the County Judge as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that Tyler County Commissioners Court approves submission of the grant application for the **Crime Victims Coordinator** to the Office of the Governor, Criminal Justice Division.

PASSED AND APPROVED by the Tyler County Commissioners Court this 5 day of March 2012.

James G. Blanchette
Tyler County Judge

Martin F. Med
Commissioner Pct. 1

William Marshall
Commissioner Pct. 3

Rusty Seymour
Commissioner Pct. 2

J. A. Walston
Commissioner Pct. 4

ATTEST: [Signature]
County Clerk

Grant Application Confirmation Number: **25685-01**

RESOLUTION

State of Texas §

County of Tyler §

WHEREAS, The Tyler County Commissioners Court finds it in the best interest of the citizens of Tyler County that the **Violence Against Women Special Prosecutor** be operated **September 1, 2012 through August 31, 2013**; and

WHEREAS, Tyler County Commissioners Court agrees to provide the minimum matching percentage for the said project as required by the Office of the Governor, Criminal Justice Division, **Violence Against Women Act (VAWA) Solicitation for grant application**; and

WHEREAS, Tyler County Commissioners Court agrees that in the event of loss or misuse of the Criminal Justice Division funds, Tyler County Commissioners Court assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, Tyler County Commissioners Court designates the County Judge as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that Tyler County Commissioners Court approves submission of the grant application for the **Violence Against Women Special Prosecutor** to the Office of the Governor, Criminal Justice Division.

PASSED AND APPROVED by the Tyler County Commissioners Court this 5 day of March 2012.

Jacques J. Blanchette
County Judge

Mark A. Neal
Commissioner Pct. 1

W. H. Marshall
Commissioner Pct. 3

Rusty Hughes
Commissioner Pct. 2

J. A. Walton
Commissioner Pct. 4

ATTEST: Debra Gregory
County Clerk

Grant Application Confirmation Number: **23082-03**

Jackie Skinner

From: Trish Fritsche <Trish.Fritsche@WeaverLLP.com>
Sent: Monday, February 20, 2012 3:02 PM
To: jskinner.aud@co.tyler.tx.us
Subject: Invoice

Hi Jackie-I am working on the invoice and it is going to come in close to \$15,000.00, which will include about a \$7,000.00 courtesy discount, we will exceed the approved \$20,000.00, before we finish.

Let me know the best way to proceed, and if Roland has brought in the receipts.



Trish Fritsche, CPA
CFF/CITP

Senior Manager
Forensic and Litigation Services

DIRECT

FTW: 817.882.7309
AUS: 512.609.1928
DAL: 972.448.9271

Trish.Fritsche@WeaverLLP.com

[Download vCard](#)

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Audrey

From: Kevin Gee [kgee@goodwinlasiter.com]
Sent: Wednesday, February 29, 2012 8:58 AM
To: 'MARTIN NASH'; judge@co.tyler.tx.us
Cc: jackwalston@hotmail.com; Mike Marshall; Rusty Hughes; davidjwaxman@sbcglobal.net
Subject: FW: Tyler County DRP #2 - Package 1 DRS 010191 / 10-5127-000-5108
Attachments: Tyler County.docx

I received this yesterday from Pinto Construction.

Please review and advise us on what the County would like to do.

Kevin T. Gee, P.E.
Project Manager
GOODWIN-LASITER, INC.
936-637-4900

From: Candace Hinton [mailto:chinton0810@yahoo.com]
Sent: Tuesday, February 28, 2012 2:49 PM
To: Kevin Gee
Subject: Re: Tyler County DRP #2 - Package 1 DRS 010191 / 10-5127-000-5108

Please see the attached letter regarding Seneca Road.

Candace Hinton
Office Manager
Pinto Construction Company, Inc.
P.O. Box 631878
Nacogdoches, TX 75963
(936) 569-6155
(936) 569-6334 fax
chinton0810@yahoo.com

From: Kevin Gee <kgee@goodwinlasiter.com>
To: Pat Vardeman <chinton0810@yahoo.com>; jimmy@netdot.com
Cc: judge@co.tyler.tx.us; 'MARTIN NASH' <nashent@sbcglobal.net>; davidjwaxman@sbcglobal.net; 'Pat Oates' <poates@goodwinlasiter.com>
Sent: Friday, February 24, 2012 2:21 PM
Subject: Tyler County DRP #2 - Package 1 DRS 010191 / 10-5127-000-5108

Please see the attached letter regarding the construction on Seneca Rd.

Kevin T. Gee, P.E.
Project Manager
GOODWIN-LASITER, INC.
936-637-4900

Pinto Construction Company, Inc.
P.O. Box 631878
Nacogdoches, TX 75963-1878
(936) 569-6155
(936) 569-6334 fax

February 28, 2012

Kevin Gee, P.E.
Goodwin-Lasiter
1609 S. Chestnut Ste. 202
Lufkin, TX 75901

RE: Tyler County Ike Disaster Recovery Project #2 Road Improvements - Package 1
Contract No. DRS 010191 / 10-5127-000-5108

Mr. Gee,

In reference to your letter of recommendation received on Friday, February 24, 2012 stating that you are recommending roughly 80% of Seneca Road to be removed and replaced and the other 20% to be overlaid with an additional 1" of hot oil sand, this would cost Moore Brothers Construction Company and East Texas Asphalt roughly \$800,000.

Prior to beginning the project, we suggested laying all driveways and tie-ins to US 69 and the FM road at the south end with TY D hot mix and these areas have held up fine. At the same time, we suggested laying TY D hot mix on the entire roadway for the same cost of the hot oil sand but was told that Tyler County did not want that.

The oil sand mixture used had an average above 6.0% liquid (CMS-2S) which was within the specifications. For the past two months, Moore Brothers has suggested overlaying the troubled areas with 1" of hot oil sand or TY D or F hot mix to seal off the roadway.

Moore Brothers and Pinto understand that Seneca Road needs some corrective work. The unfortunate thing about this situation is that they did not begin to lose any material until they were virtually complete with the project; otherwise, they would have stopped work and sought advice from Goodwin-Lasiter and Tyler County. We are still proposing to overlay 80% of roadway with 1" of hot oil sand or Ty D or F hot mix which we feel would seal off the roadway. This additional 1" plus the 2 1/2" of existing material would

be greater than the 2 1/2" of specified oil sand. This would cost roughly \$250,000. As far as the areas that have deteriorated to the point of pot holing, those areas would be leveled up and compacted before applying the additional 1" overlay.

The contract states that from the day of acceptance, the roadway will be warranted for twelve months. If it fails within that period, the specifications state that the contractor will remix and re-compact the roadway, which we would do if necessary.

We agree something needs to be done quickly (preferably two months ago when we first offered a solution). As time passes, our solution becomes more costly. If this proposal is not acceptable, we request a meeting immediately with all concerned parties to finally determine a solution.

Any residents with concerns and/or complaints should contact David Moore with Moore Brothers Construction Company at (936) 639-2261 ext. 115.

Sincerely,

Pat Vardeman
Vice-President



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 102 / Woodville, Texas

Monday
March 5, 2012
9:30 AM

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...the courage to do it"

➤ **CALL TO ORDER**

- Establish quorum

I. CONSIDER/APPROVE:

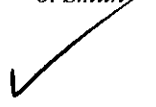
A. ITEM 1 Resolution: Victims of Crime Act Fund (VOCA) Grant Application 25685-01 – *Joe Smith, District Attorney*

N/H



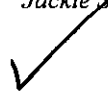
B. ITEM 2 Resolution: Violence Against Women Act (VAWA) Grant Application 23082-03 – *J. Smith*

W/M



C. ITEM 3 Exceeding the \$20,000 limit set by Commissioners Court for Forensic Audits – Jackie Skinner, Auditor

J/m



*Appr Addl amount not to exceed 45,000
Appropriate out of contingency*

D. ITEM 4 Review/Accept/Reject written counter proposal from Pinto Construction Company, Inc. regarding Tyler County Ike Disaster Recovery Project #2 Road Improvements – Package 1 (Seneca Road) Contract No. DRS 010191 / 10-5127-000-5108 – *M. Nash*

N/m

*Eng, new to notify Pinto's bonds, comp etc etc...
See type*

Not held

II. EXECUTIVE SESSION: Consult with District Attorney, Joe Smith, in executive session held in accordance with Texas Government Codes 555.071(1)(A), (2) regarding pending and/or contemplated litigation, and/or 551.074, regarding personnel matters, and/or property acquisition.

*N/
/m*

> **ADJOURN** *10:01 AM*

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 _____ 2012 Time _____

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

By: _____ (Deputy)



TYLER COUNTY COMMISSIONERS COURT

County Courthouse, Room 102 / Woodville, Texas

Monday
March 5, 2012
9:30 AM

MARTIN NASH
Commissioner, Pct. 1

RUSTY HUGHES
Commissioner, Pct. 2

JACQUES L. BLANCHETTE
County Judge

MIKE MARSHALL
Commissioner, Pct. 3

JACK WALSTON
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I. CONSIDER/APPROVE:

- A. Resolution:** Victims of Crime Act Fund (VOCA) Grant Application 25685-01 – *Joe Smith, District Attorney*
- B. Resolution:** Violence Against Women Act (VAWA) Grant Application 23082-03 – *J. Smith*
- C. Exceeding the \$20,000 limit set by Commissioners Court for Forensic Audits – *Jackie Skinner, Auditor***
- D. Review/Accept/Reject written counter proposal from Pinto Construction Company, Inc. regarding Tyler County Ike Disaster Recovery Project #2 Road Improvements – Package 1 (Seneca Road) Contract No. DRS 010191 / 10-5127-000-5108 – *M. Nash***

- II. EXECUTIVE SESSION:** Consult with District Attorney, Joe Smith, in executive session held in accordance with Texas Government Codes 555.071(1)(A), (2) regarding pending and/or contemplated litigation, and/or 551.074, regarding personnel matters, and/or property acquisition.

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Executed on _____ 2012 Time _____

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

By: _____ (Deputy)