

FILED

MAY 09 2011

**COUNTY CLERK
ELLIS COUNTY TEXAS
ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 11, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 11, 2011 AT 10:00 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2ND FLOOR), WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED TO WIT:

PRESENT WERE:

COUNTY JUDGE:

JUDGE CAROL BUSH

COMMISSIONERS:

DENNIS ROBINSON, COMMISSIONER, PCT. 1

BILL DODSON, COMMISSIONER, PCT. 2

HEATH SIMS, COMMISSIONER, PCT. 3

RON BROWN, COMMISSIONER, PCT. 4

COUNTY CLERK:

TINA CHAMBERS, ASSISTANT COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT: (10:05 AM)

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO THE OPEN MEETINGS ACT

MOTION TO OPEN COURT BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

CONSENT AGENDA:

MINUTE ORDER NO 161.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;

A2 ACCEPTANCE OF FY 2010 EMERGENCY SERVICE DISTRICTS' BUDGET REPORTS;

A3 APPROVAL OF THE FOLLOWING ELLIS COUNTY EMERGENCY DISTRICT BOND:

ESD #7 DON WELDON, PUBLIC OFFICIAL BOND \$10,000

A4 ACCEPTANCE OF CERTIFICATES FOR "SIMULATOR DRIVER TRAINING," "COACHING THE MAINTENANCE VEHICLE OPERATOR II," "EXPERIENCED DRIVER TRAINING," "COACHING THE EXPERIENCED DRIVER II" FOR COUNTY EMPLOYEES;

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

F1 FROM 001-0530-50703, TELEPHONE TO 001-0530-50802, EQUIPMENT. – DANIELLE BOSTON FOR JP 3;

F2 FROM 001-0611-40096, STATE LEOSE FUNDING; TO 001-0611-50820, LEOSE TRAINING. – BEN FRY, CONSTABLE PCT 1;

F3 FROM 006-0754-40008, INTERLOCAL AGREEMENT TO 006-0754-50868, CONTRACT LABOR. – RON BROWN, RB4;

- F4 FROM 010-0653-50807, FM2, GENERAL EXPENSES TO 010-0653-50906, FM2 CULVERTS.-BILL DODSON, RB2;
- F5 FROM 012-0755-50807, GENERAL MISC. (FM 4) TO 012-0755-50802, EQUIPMENT (FM 4). – RON BROWN, RB4;
- F6 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:
- | | | |
|---------------------------|--------|------------|
| OCWEN LOAN SERVICING, LLC | 157468 | \$4,334.64 |
| CORELOGIC | 191649 | \$5,116.03 |
| SHANNA S & KEVIN HAMRAH | 218899 | \$4,595.48 |
| CORELOGIC TAX SERVICE | 230711 | \$2,730.48 |
| CORELOGIC TAX SERVICE | 233971 | \$3,222.38 |
-
- F7 FROM 001-0800-30302, FUND BALANCE TO 001-0140-50868, CONTRACT SERVICES. – CAROL BUSH, COUNTY JUDGE

SIMPLIFIED PLAT:

SP1MCDONALD ESTATES, ONE LOT, N. ARMSTRONG ROAD, MICHAEL AND JOHNNIE McDONALD, PCT. 3
 MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON TO APPROVE CONSENT AGENDA;
 MOTION CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY DELTON AKE, DIRECTOR
 DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 162.11 APPROVING RE-PLAT SPIKES CORNER, LOT 2,
 HUNSUCKER ROAD, MARCIANO ROMERO, PCT. 1
 MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES
 UNANIMOUSLY

MINUTE ORDER NO 163.11 APPROVING REQUEST FOR VARIANCE FROM ELLIS COUNTY
 RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED
 HOMES AS IT RELATES TO ROAD FRONTAGE REQUIREMENT OF 150' PER ONE ACRE OF
 PROPERTY WITH PUBLIC WATER PER SYSTEM. ANGELA CHAMBERS OWNS 31.340 WITH
 294' OF ROAD FRONTAGE AND WISHES TO DIVIDE THE PROPERTY INTO TWO LOTS. N.
 ARMSTRONG ROAD, PCT. 3
 MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 164.11 APPROVING THE LOCATION FOR AN AUTO STORAGE
 FACILITY AT 8215 LITTLE BRANCH ROAD, WAXAHACHIE / TOW PRO WRECKER SERVICE
 DANNY GIRARD, PCT. 4
 MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 165.11 APPROVAL TO WITHDRAW RE-PLAT: DUVALL PLACE
 ADDITION LOTS 1-8 / INCLUDING BUT NOT LIMITED TO "DUVALL COURT" AND ROW
 DEDICATION AND EASEMENTS THAT WERE CREATED BY RE-PLAT APPROVED ON APRIL
 28, 2008. RE-PLAT WAS NEVER FILED FOR RECORD, PAUL PROCTOR, PCT. 4
 MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 166.11 APPROVING A ONE-TIME VARIANCE FROM ELLIS COUNTY RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO BUILDING SET BACK LINE ON AN EXISTING COUNTY ROAD OF 40' BACK, CHRISTIAN AND FALLEN ROADS, KEVIN GOODMAN, PCT. 2
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 167.11 APPROVING A ONE-TIME VARIANCE FROM ELLIS COUNTY RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT CALLING FOR A 6" WATER LINE FOR INSTALLATION OF A FIRE HYDRANT. VARIANCE GRANTED TO INSTALL A FLUSH VALVE WITH A 4" WATER LINE. CHRISTIAN AND FALLEN ROADS, KEVIN GOODMAN, PCT. 2
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY SANDRA BRISBON, PURCHASING AGENT:

MINUTE ORDER NO 168.11 APPROVING THE PURCHASE OF ONE (1) 2011 PS-150C CPPI PAVING/ASPHALT PNEUMATIC COMPACTOR THROUGH BUYBOARD FOR THE TOTAL AMOUNT OF \$67,000 FOR RB2
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 169.11 APPROVING PURCHASE OF TWO (2) INTERNATIONAL TRUCKS FROM FLEET MOTORS IN THE TOTAL AMOUNT OF \$22,000 FOR PRECINCT 4 – VIN – 1HTHCAARX2H519013 AND 1HTSCAAL11H361371
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

No ACTION: 3.3 TO APPROVE THE OPTION TO EXTEND AN EXISTING CONTRACT WITH TXI FOR LIGHTWEIGHT SURFACING AGGREGATE FOR AN ADDITIONAL 12 MONTHS.

MINUTE ORDER NO 170.11 DECLARING AS SURPLUS AN INTERNATIONAL MODEL 9300, TANDEM DUMP TRUCK; 1993; EXCESS OF 600,000 MILES, VIN – 2HTFC000XRC090980 FOR RB4
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 171.11 PROCLAIMING THE WEEK OF APRIL 10 THROUGH APRIL 16, 2011 AS CRIME VICTIMS' RIGHTS WEEK IN ELLIS COUNTY (CAROL BUSH, COUNTY JUDGE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

4.2 **PRESENTATION** BY CASEY BALLARD, EXECUTIVE DIRECTOR OF THE WEST ELLIS COUNTY UNITED WAY, REGARDING THE ELLIS COUNTY EMPLOYEE GIVING CAMPAIGN FOR THE WEST ELLIS COUNTY UNITED WAY. (CAROL BUSH, COUNTY JUDGE)

MINUTE ORDER NO 172.11 APPROVING A CONTRACT WITH LEXISNEXIS FOR ON-LINE LEGAL RESEARCH TO BE UTILIZED BY THE ELLIS COUNTY & DISTRICT ATTORNEY'S OFFICE AT A SAVINGS OF \$5,000 (PATRICK WILSON, ELLIS COUNTY & DISTRICT ATTORNEY) MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

4.6 **PRESENTATION** ABOUT THE PROCESS, PROCEDURES AND CHANGES THAT HAVE BEEN INSTITUTED IN JUSTICE OF THE PEACE PCT. 2 TO COLLECT FINES AND FEES.
JUDGE JACKIE MILLER, JR., JUSTICE OF THE PEACE PCT 2

NO ACTION: 4.4 CONSIDERATION, PUBLIC DISCUSSION AND ACTION FOR A PILOT PROGRAM CONSISTING OF ONE ADMINISTRATIVE ASSISTANT POSITION FOR CONSTABLE PRECINCT 2 AND/OR PRECINCT 3 TO PERFORM THE DUTIES OF "COLLECTIONS/WARRANTS COORDINATOR" AND TO LATER ADMINISTER THE TEXASAIRCHECK LIRAP PROGRAM BEGINNING SEPTEMBER 1, 2011. UPON THE COURT'S APPROVAL, THIS ADMINISTRATIVE ASSISTANT MAY ALSO BE USED FOR GRANT RESEARCH, WRITING, AND ADMINISTRATION OF ANY COMMISSIONERS COURT APPROVED GRANTS. (NOTE: FIRST 180 DAYS OF SALARY AND BENEFITS TO BE PAID FROM FORFEITURE FUNDS AT NO EXPENSE TO COUNTY BUDGET. ANY GRANTS APPROVED FOR APPLICATION DURING THE FIRST 180 DAYS MUST BE LAW ENFORCEMENT RELATED ONLY.)
TERRY NAY, CONSTABLE, PCT. 2

MINUTE ORDER NO 173.11 APPROVAL FOR FISK ELECTRIC COMPANY TO REMODEL THE REMOTELY CONTROLLED SECURITY DOORS AND RELATED SECURITY DEVICES IN THE 1990 AND 2000 ADDITIONS OF THE JAIL. THIS INCLUDES APPROXIMATELY 150 DOORS AND MULTIPLE ELECTRONIC CONTROL PANELS. THE MATERIAL AND LABOR COST SHALL BE CONTRACTED UNDER EXISTING INFORMATION AND COMMUNICATION TECHNOLOGY CONTRACTS THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES. (*NOT TO EXCEED \$95,000.*) (JOE WHITE, ENGINEER)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 174.11 APPROVAL FOR THE COUNTY JUDGE TO SIGN AN AT&T EASEMENT FOR COMMUNICATION LINES SERVICING THE COUNTY FARM BUILDINGS. THE EASEMENT RUNS ADJACENT TO AND ALONG FM 878 RIGHT OF WAY AND IS NECESSARY TO AVOID POSSIBLE COMMUNICATION LINE DAMAGE DUE TO CURRENT CONSTRUCTION ON THAT HIGHWAY (JOE WHITE, ENGINEER)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

NO ACTION: 4.5 CONSIDERATION DISCUSSION, AND ACTION FOR A PILOT PROGRAM CONSISTING OF TWO DEPUTY CONSTABLES FOR ELLIS COUNTY CONSTABLE PCT. 2 TO PERFORM DUTIES OF A DEDICATED "TRAFFIC SAFETY PROGRAM" FOR ELLIS COUNTY.
TERRY NAY, CONSTABLE, PCT. 2

MINUTE ORDER NO 175.11 APPROVING CONTRACT AMENDMENT ONE BETWEEN NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND ELLIS COUNTY FOR CITIES READINESS INITIATIVE (CRI) PROJECT IMPLEMENTATION
(JOHN PATTERSON, EMERGENCY MANAGEMENT)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

NO ACTION: 4.8 CONSIDERATION AND ACTION TO APPROVE AN ELLIS COUNTY BURN BAN.
JIM PHARR, FIRE MARSHAL

NO ACTION:

4.11 CONSIDERATION AND ACTION AS REQUIRED IN SELECTING THREE PUBLIC MEMBERS FOR SERVICES ON THE ELECTED OFFICIALS' SALARY GRIEVANCE COMMITTEE FOR FISCAL YEAR 2011-2012. THREE (3) NAMES THAT ARE DRAWN AT RANDOM FROM THE LIST OF GRAND JURORS FOR THE PRECEDING YEAR WILL BECOME MEMBERS OF THE COMMITTEE UPON WRITTEN ACCEPTANCE TO THE COUNTY CLERK. ADDITIONAL NAMES WILL BE DRAWN TO CREATE AN ALTERNATE LIST. (TX LOCAL GOVERNMENT CODE §152.014 AND §152.015).

CINDY POLLEY, COUNTY CLERK

MINUTE ORDER NO 176.11 APPROVAL TO ELLIS COUNTY INMATES TO PROVIDE LAUNDRY SERVICES FOR UNIFORMS FOR ROAD AND BRIDGE PCT. 3 IN COOPERATION WITH SHERIFF JOHNNY BROWN, AS A COST-SAVING PILOT PROGRAM

(HEATH SIMS, COMMISSIONER PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 177.11 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN ELLIS COUNTY AND CITY OF RED OAK FROM FEBRUARY 1, 2011 TO FEBRUARY 1, 2012 FOR MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AND THE MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHES. FURTHER, THE COUNTY SHALL BE AUTHORIZED TO SELL TO THE CITY GOODS AND SERVICES. GOV CODE 791

(RON BROWN, COMMISSIONER PCT 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 178.11 APPOINTING RON BROWN, COMMISSIONER PCT. 4, AS JUDGE PRO-TEM TO SERVE AS PRESIDING OFFICER OF THE ELLIS COUNTY COMMISSIONERS COURT WHEN THE COUNTY JUDGE CANNOT ACT IN THAT CAPACITY

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 179.11 APPROVING INVOICE #4581 FROM TROTT COMMUNICATIONS GROUP, INC. IN THE AMOUNT OF \$9,968.75 AS PER THE PROFESSIONAL SERVICES AGREEMENT EFFECTIVE NOVEMBER 15TH, 2010 BETWEEN TROTT AND ELLIS COUNTY

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 180.11 APPOINTING HANNAH MCCLEARY AS INTERIM PURCHASING AGENT

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (1:08 PM)

MOTION BY JUDGE BUSH, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

EXECUTIVE SESSION

"THE COMMISSIONERS COURT OF ELLIS COUNTY RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED IN

THIS AGENDA, IN THE ORDER DEEMED APPROPRIATE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551, OR TO SEEK THE ADVICE OF ITS ATTORNEY AND/OR OTHER ATTORNEYS REPRESENTING ELLIS COUNTY ON ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE COMMISSIONERS COURT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEXAS GOVERNMENT CODE CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551."

5.1 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING THE POSSIBLE SALE OR LEASE OF REAL PROPERTY "IF DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON."

5.2 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL TO DELIBERATE THE APPOINTMENT, EMPLOYMENT AND/OR DUTIES OF A PURCHASING AGENT.

ADJOURNMENT OF EXECUTIVE SESSION (1:29 PM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

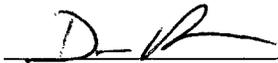
ADJOURNMENT (1:30 PM)

MOTION TO ADJOURN BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

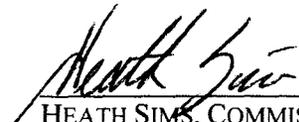
THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 11, 2011 ARE HEREBY APPROVED.

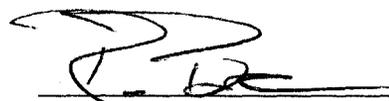
PRESIDING OFFICER:


CAROL BUSH, COUNTY JUDGE

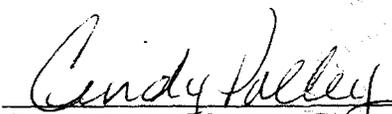

DENNIS ROBINSON, COMMISSIONER PCT 1


BILL DODSON, COMMISSIONER PCT 2


HEATH SIMS, COMMISSIONER PCT 3


RON BROWN, COMMISSIONER PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MAY 9, 2011.


CINDY POLLEY, COUNTY CLERK