

FILED

MAY 09 2011

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 25, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 25, 2011 AT 6:00 P.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:

CINDY POLLEY, COUNTY CLERK

COUNTY & DISTRICT ATTORNEY'S OFFICE:

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT:

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 HEATH SIMS

CONSENT AGENDA:

MINUTE ORDER NO 181.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;
- A2 TO APPROVE THE PLACEMENT OF THE FOLLOWING VEHICLES TO THE LIST OF AUTHORIZED VEHICLES ALLOWED TO DISPLAY REGULAR EXEMPT PLATES: 1) UNIT #99, A 2001 CHEVY 1500 VIN#1GCEC19R012175558; AND 2) UNIT #98, A 2002 FORD F-150 VIN# 1FTRW07652KD20020;
- A3 APPROVAL OF A ONE YEAR SERVICE CONTRACT ON THE COUNTY JAIL (DISPATCH CONSOLES) AND BOYCE TOWER EQUIPMENT. THIS SERVICE IS OFFERED BY AEROWAVE COMMUNICATIONS AT NO INCREASE IN COST OVER LAST YEAR'S CONTRACT; EFFECTIVE APRIL 1, 2011 THROUGH MARCH 31, 2012;
- A4 ACCEPTANCE OF CERTIFICATES FOR "SIMULATOR DRIVER TRAINING" FOR ELLIS COUNTY EMPLOYEES;

A5 APPROVAL OF THE MARCH, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

- MARK ARNOLD, AGRICULTURE
- PAGE BISHOP, 4-H
- RITA HODGES, FAMILY & CONSUMER SCIENCES

A6 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS COURT AGENDA DATED:

MARCH 14, 2011 REGULAR MARCH 28, 2011 REGULAR

A7 ~~APPROVE A RESOLUTION SUPPORTING HB 443 OF THE 82ND TEXAS LEGISLATURE IMPOSING A FEE INCREASE FOR THE EXECUTION OF PROCESSING OF A WARRANT, CAPIAS, OR CAPIAS PRO FINE OR ANY OTHER FEE IMPOSED ON A CONVICTION OF A FELONY OR MISDEMEANOR;~~

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0060-50805, CONFERENCE TO 001-0060-50819, COMPUTER. -DELTON AKE, DEPARTMENT OF DEVELOPMENT;
- F2 FROM 001-0520-50874, DOCKET BOOKS AND PRINTING TO 001-0520-50801, SUPPLIES. - JACKIE MILLER, JR., JP2;
- F3 FROM 001-0612-50808, AUTO GAS/OIL TO 001-0612-50809, AUTO REPAIRS; 001-0612-50810, AUTO TIRES; 001-0612-50801, SUPPLIES. - TERRY NAY, CONSTABLE, PCT 2;
- F4 FROM 006-0754-30302, FUND BALANCE TO 006-0754-50910, GAS/OIL. - RON BROWN, RB4;
- F5 FROM 010-0653-50926, FM2, DEBT SERVICE; 010-0653-50807, FM2, GEN EXPENSE TO 010-0653-50802, FM2, EQUIPMENT; 010-0653-50911, FM2, GRAVEL; 010-0653-50915, FM2, ASPHALT. - BILL DODSON, RB2;
- F6 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
TONY M. FAIRLESS	149884	\$2,622.42
THOMAS D. POWERS	218357	\$3,209.81
JASON CHAGNON	226774	\$3,173.77
CITIMORTGAGE, INC.	218710	\$3,752.70
USAA	230296	\$7,467.55
CHASE HOME FINANCE	232384	\$4,782.06

SIMPLIFIED PLAT:

SP1 CHRISTIAN ROAD, 4 LOTS, JOE MATOUS, PCT. 2

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

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING (6:06 PM)

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

PUBLIC HEARING

- 2.1 PUBLIC HEARING REGARDING POTENTIAL AMENDMENTS TO ELLIS COUNTY'S ON-SITE SEWAGE FACILITIES RULES WHICH WERE ORIGINALLY ADOPTED ON AUGUST 12, 2002, PURSUANT TO CHAPTER 366 OF THE TEXAS HEALTH AND SAFETY CODE AND TITLE 30, TEXAS ADMINISTRATIVE CODE, CHAPTER 285.

ADJOURNMENT OF PUBLIC HEARING/RECONVENE TO REGULAR SESSION

(6:17 PM)

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

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 182.11 APPROVING AMENDMENTS TO ELLIS COUNTY'S ON-SITE SEWAGE FACILITIES RULES WHICH WERE ORIGINALLY ADOPTED ON AUGUST 12, 2002, PURSUANT TO CHAPTER 366 OF THE TEXAS HEALTH AND SAFETY CODE AND TITLE 30, TEXAS ADMINISTRATIVE CODE, CHAPTER 285

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

MINUTE ORDER NO 183.11 APPROVING REPLAT – WHISPERING MEADOWS, LOT 4B, THOMAS AND NORMA MCANALLY, PCT. 1

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

MINUTE ORDER NO 184.11 GRANTING A ONE-TIME VARIANCE FROM THE ELLIS COUNTY RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT OF ONE FIRE HYDRANT EVERY 450', TO REPLAT ROLLING ACRES, LOT 3 BROADHEAD ROAD, JANIE JONES, PCT. 2.

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

ADMINISTRATIVE:

- 4.1 **PRESENTATION OF THE TEXAS AGRILIFE EXTENSION SERVICE, ELLIS COUNTY INTERPRETATIVE EVENT AND INTRODUCTION OF NEW THE DISTRICT EXTENSION ADMINISTRATOR, DONALD KELM.**
- MARK ARNOLD, COUNTY EXTENSION AGENT

- NO ACTION** 4.2 CONSIDERATION AND ACTION TO APPROVE A CONSULTING CONTRACT WITH RCC CONSULTANTS, INC. TO UPGRADE THE COUNTY'S PUBLIC COMMUNICATIONS SYSTEM TO COMPLY WITH FCC NARROWBANDING MANDATE AND RECOMMEND IMPROVEMENTS TO THE COUNTY'S VHF LAND MOBILE RADIO COMMUNICATION SYSTEM.
KATHY ERIKSEN, PROJECTS COORDINATOR

MINUTE ORDER NO 185.11 APPROVING A CONTRACT WITH CISCO FOR SMARTNET SERVICES ON ALL CISCO HARDWARE AND SOFTWARE TO BE PAID ANNUALLY ON A 5-YEAR TERM
(68,957.35 PER YEAR) (TERAL CRAWFORD, INFORMATION TECHNOLOGY)

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

MINUTE ORDER NO 186.11 APPROVING THE PURCHASE OF CISCO NETWORK HARDWARE TO CONVERT THE I-35E PHONE SYSTEM. COST NOT TO EXCEED \$2,800.00.

(TERAL CRAWFORD, INFORMATION TECHNOLOGY)

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

MINUTE ORDER NO 187.11 APPROVING AN ELLIS COUNTY BURN BAN

(JIM PHARR, FIRE MARSHAL)

(CHIEF HOPKINS, ENNIS FIRE DEPT, ADDRESSES COURT)

MOTION BY COMMISSIONER DODSON:

PURSUANT TO SECTION 352.081(C)(2) OF THE TEXAS LOCAL GOVERNMENT CODE, I MOVE THE COURT TO MAKE A FINDING THAT CIRCUMSTANCES PRESENT IN ALL OR PART OF THE UNINCORPORATED AREA OF ELLIS COUNTY CREATE A PUBLIC SAFETY HAZARD THAT WOULD BE EXACERBATED BY OUTDOOR BURNING AND THEREFORE APPROVE AN OUTDOOR BURN BAN

.....SECOND BY JUDGE BUSH; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 188.11 APPROVING A WORK ORDER BETWEEN THE CITY OF RED OAK AND ELLIS COUNTY ROAD AND BRIDGE PCT. 1 FOR IMPROVEMENTS OF SPECIFIC LOCATIONS ON THE FOLLOWING STREETS: STAINBACK, TOM DRIVER, CRUMP CIRCLE AND STAINBACK COURT; IN THE AMOUNT OF \$190,487.77 (DENNIS ROBINSON, RB1)

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

MINUTE ORDER NO 189.11 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)

MICHELLE MCCLENDON – OAK LEAF ALTERNATES: *RITA WRIGHT LENOIR - WAXAHACHIE*

ROGER HERRON – WAXAHACHIE *CHARLES (CW) JACKSON - WAXAHACHIE*

DELBERT STAGGS – MIDLOTHIAN *RAYMOND JURICA - ENNIS*

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

NO ACTION 4.8 CONSIDERATION AND ACTION TO APPOINT THE REPLACEMENT OF THE ELLIS COUNTY PURCHASING AGENT.
- CAROL BUSH, COUNTY JUDGE

NO ACTION: 4.9 CONSIDERATION AND ACTION TO APPROVE THE OPTION TO EXTEND THE FOLLOWING CONTRACT FOR AN ADDITIONAL 12 MONTHS FOR WASHED PEA GRAVEL WITH TRINITY MATERIALS.
- SANDRA BRISBON, PURCHASING

RECESS TO CONVENE TO EXECUTIVE SESSION (7:07 PM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; 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 (7:26 PM)

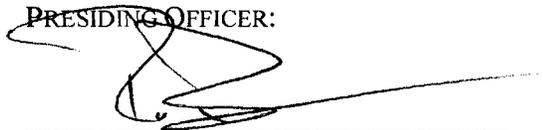
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

ADJOURNMENT

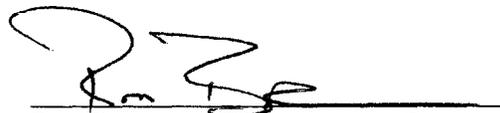
MOTION TO ADJOURN BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF APRIL 25, 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