

FILED
MAR 14 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // FEBRUARY 28, 2011**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, FEBRUARY 28, 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, 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 135.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;
- A2 APPROVAL OF THE JANUARY, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
 - MARK ARNOLD, AGRICULTURE
 - PAGE BISHOP, 4-H
 - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A3 ACCEPTANCE OF ELLIS COUNTY CONSTABLES PRECINCTS 1 AND 3 RACIAL PROFILING REPORTS;
- A4 APPROVAL OF A RESOLUTION SUPPORTING THE CREATION OF A MULTI-INSTITUTION TEACHING CENTER (MITC) IN MIDLOTHIAN, ELLIS COUNTY, TEXAS;
- A5 APPROVAL OF RENEWAL OF THE CURRENT TAX ABATEMENT GUIDELINES, CRITERIA AND PROCEDURES FOR ELLIS COUNTY;

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0015-50502, JAIL STAFF SALARIES TO 001-0015-50503, CERTIFICATION PAY – JOHNNY BROWN, SHERIFF
- F2 FROM 001-0210-50848, HOLDING SALARY TO 001-0210-50801, SUPPLIES; 001-0210-50805, CONFERENCE – JANE ANDERSON, ELECTIONS
- F3 FROM 001-0430-50978, CRI, EQUIPMENT TO 001-0430-50979, CRI, OTHER – JOHN PATTERSON, EMERGENCY MANAGEMENT
- F4 FROM 010-0653-30302, FM2 FUND BALANCE CARRYOVER TO 010-0653-50911, FM2 GRAVEL; 010-0653-50910, FM2 GAS – BILL DODSON, COMMISSIONER PCT. 2
- F5 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

PROSPERITY BANK	176531	\$5,040.04
CORELOGIC C/O PNC	168919	\$2,522.75
REGIONS MORTGAGE	207735	\$3,456.33
HH MORTGAGE CORP.	223716	\$4,062.27

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON TO APPROVE CONSENT AGENDA; MOTION CARRIES UNANIMOUSLY

ADMINISTRATIVE:

- 3.1 **DISCUSSION** CONCERNING AN UPDATE OF THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT BY RANDY KIRK, ELLIS COUNTY REPRESENTATIVE HEATH SIMS, COMMISSIONER, PCT. 3
PRESENTATION BY JOSHUA GRIMES

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 136.11 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS, AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE FIRE HYDRANT REQUIREMENT SPACED EVERY 450', BOREN ACRES, PHASE II, LOTS 5 AND 6, WENDEL AND MARTHA DICKASON, PCT. 2

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

MINUTE ORDER NO 137.11 APPROVING REPLAT - BOREN ACRES, PHASE II, LOTS 5 AND 6, WENDEL AND MARTHA DICKASON, PCT. 2

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

MINUTE ORDER NO 138.11 APPROVAL TO EXECUTE LETTER OF CREDIT #697, CITY BANK TEXAS, FOR ROCKETT RANCH TO COMPLETE THE PUBLIC IMPROVEMENTS, PCT. 1

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

ADMINISTRATIVE:

MINUTE ORDER NO 139.11 APPROVAL TO ENTER INTO A CONTRACT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROHIBIT THE REGISTRATION OF MOTOR VEHICLES OWNED BY INDIVIDUALS THAT OWE THE COUNTY MONEY FOR A FINE, FEE,

OR TAX THAT IS PAST DUE, PURSUANT TO SECTION 502.185 OF THE GOVERNMENT CODE
(SCOFF LAW) (TERRY NAY, CONSTABLE PCT 2)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 140.11 APPROVING A RESOLUTION REQUESTING A THIRD DISTRICT COURT
DURING THE CURRENT LEGISLATIVE SESSION, TO BECOME OPERATIONAL IN 2014 OR
LATER (CAROL BUSH, COUNTY JUDGE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES 4/1 WITH
COMMISSIONER BROWN OPPOSING

MINUTE ORDER NO 141.11 APPROVING THE NUMBER OF MEMBERS OF ELLIS COUNTY CITIZENS
ADVISORY COMMITTEE FOR THE REDISTRICTING PROCESS
(CAROL BUSH, COUNTY JUDGE)
MOTION BY COMMISSIONER SIMS FOR *MAXIMUM OF 15, MINIMUM OF 10, MAXIMUM OF 3 PER COURT MEMBER*;
SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (7:07 PM)
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; 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.”

- 4.1 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.”
- 4.2 PURSUANT TO SECTION 551.072 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING CAUSE NO. 66,519, HOLNAM TEXAS LIMITED PARTNERSHIP V. ECAD, ET. AL., AND ALL OTHER RELATED CASES, ALL OF WHICH ARE PENDING IN THE 40TH JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS.

ADJOURNMENT OF EXECUTIVE SESSION (7:24 PM)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

ADJOURNMENT

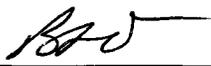
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON;
MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF FEBRUARY 28, 2011 ARE HEREBY APPROVED.

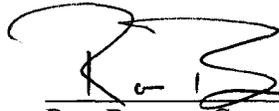
PRESIDING OFFICER:


CAROL BUSH, COUNTY JUDGE

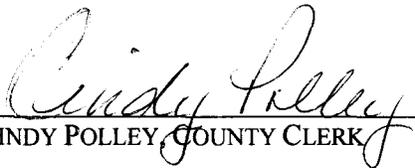

DENNIS ROBINSON, COMMISSIONER PCT 1


BILL DODSON, COMMISSIONER, PCT 2


HEATH SIMS, COMMISSIONER, PCT 3


RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS MARCH 14, 2011


CINDY POLLEY, COUNTY CLERK