

FILED
SEP 12 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // AUGUST 8, 2011

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, AUGUST 8, 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:

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 BILL DODSON

CONSENT AGENDA:

MINUTE ORDER NO 271.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL TO REAPPOINT JANIS BURDETT TO THE NORTH TEXAS BEHAVIORAL HEALTH AUTHORITY BOARD OF DIRECTORS WITH THE TERM ENDING JANUARY 31, 2014
- A3 APPROVAL TO REAPPOINT MAURICE OSBORN TO THE BOARD OF THE PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT. THE TERM BEGINS SEPTEMBER 1, 2011 AND EXPIRES AUGUST 31, 2015
- A4 APPROVAL AND CERTIFICATION OF THE OFFICIAL MINUTES FROM THE COMMISSIONERS COURT AGENDA: JULY 25, 2011 REGULAR
- A5 ACCEPT DONATION OF FLAT SCREEN TELEVISION FROM HDR ARCHITECTS TO BE USED IN PUBLIC INFORMATION SYSTEM IN LOBBY OF COURTS BUILDING
- A6 AUTHORIZE COUNTY JUDGE TO SIGN NECESSARY DOCUMENTS TO CONTINUE AFLAC FSA FOR PLAN YEAR BEGINNING 10/1/11

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0060-50801, SUPPLIES To 001-0060-50810, TIRES. – DELTON AKE, DEPT OF DEVELOPMENT
- F2 FROM 001-0060-50801, SUPPLIES To 001-0060-50810, TIRES. – DELTON AKE, DEPT OF DEVELOPMENT
- F3 FROM 001-0140-50557, WORKERS' COMP To 001-0420-50878, JUVENILE RESIDENTIAL; 001-0420-50875, JUVENILE PSYCHOLOGICALS. – CAROL BUSH, COUNTY JUDGE
- F4 FROM 001-0360-50801, DA-SUPPLIES To 001-0360-50853, DA-LEGAL RESEARCH - PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F5 FROM 001-0360-50846, DA-WITNESS FEES To 001-0360-50807, DA-GENERAL Misc.;001-0360-50808, DA-AUTO GAS. – PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F6 FROM 006-0754-40008, INTERLOCAL To 006-0754-50915, ASPHALT. – RON BROWN, RB4
- F7 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>
OCWEN LOAN SERVICING, LLC	206033	\$8,747.26

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

ADMINISTRATIVE:

- 2.1 **PRESENTATION:** ELLIS COUNTY RECEIVED THE "CLEAN AIR EXCELLENCE AWARD" OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGIONAL EMISSIONS ENFORCEMENT PROGRAM. DAN KESSLER AND CHRIS KLAUS OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS PRESENTED THE AWARD WITH SPECIAL RECOGNITION OF 2 CONSTABLE, TERRY NAY AND DEPUTY CONSTABLE, BRAD ELLIOT, FOR THEIR EFFORTS IN IMPLEMENTING AN EMISSIONS ENFORCEMENT PROGRAM IN ELLIS COUNTY. THE COMMISSIONERS' COURT ACKNOWLEDGED THE EFFORTS OF NAY AND ELLIOT -- RON BROWN, COMMISSIONER PCT. 4

MINUTE ORDER NO 272.11 APPROVING SALE OF CERTAIN REAL PROPERTY TO JORGE LUIS MUNOZ AND DORA E. MUNOZ IN THE AMOUNT OF \$11,562.00. SAID PROPERTY IS DESCRIBED AS FOLLOWS: "BEING ALL THAT CERTAIN LOT 23 IN DIVISION 22, SUBDIVISION 2 TO THE CITY OF ENNIS, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED OF RECORD IN VOLUME 1508, PAGE 1353 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS." ELLIS COUNTY WAS A TAXING UNIT INTERESTED IN THE TAX FORECLOSURE JUDGMENT AGAINST SAID REAL PROPERTY, WHICH WAS ACQUIRED BY TAX FORECLOSURE SALE UNDER CAUSE NO. 17,010-TX; ENNIS INDEPENDENT SCHOOL DISTRICT, ET. AL. VS. JERRY M. YOUNG, JR., IN THE 40TH JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS. (CAROL BUSH, COUNTY JUDGE)

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

RECESS REGULAR SESSION TO CONVENE PUBLIC HEARING (10:22 A.M.)

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

PUBLIC HEARING

PUBLIC HEARING AND OPPORTUNITY FOR COMMENT ON THE APPLICATION FOR 2011 JAG GRANT TO PURCHASE COMPUTER SOFTWARE, HARDWARE AND FIELD EQUIPMENT.

***NOTING NO PARTICIPATION MEETING WAS ADJOURNED AND RECONVENED TO REGULAR SESSION**

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

MINUTE ORDER NO 273.11 APPROVING AN APPLICATION FOR THE EDWARD BYRNE MEMORIAL 2010 JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$10,458 (CHUCK LAUBACH, SHERIFF'S OFFICE)
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

2.4 **PRESENTATION** BY JIM SABONIS, FIRST SOUTHWEST, OF A POTENTIAL REFUNDING OPPORTUNITY. (NO ACTION WILL BE REQUIRED AT THIS TIME.)
MIKE NAVARRO, AUDITOR

MINUTE ORDER NO 274.11 APPROVING CONTRACT AGREEMENT WITH JAMES BOLTON CONSTRUCTION COMPANY (PRIMARY LOW BIDDER) EXTENDING BID NUMBER BPA130A FOR AN ADDITIONAL 12 MONTHS (8/10/11 – 8/9/12) FOR BRIDGE AND HEADWALL REPAIR

ALISHA WICKENS, PURCHASING
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 275.11 APPROVING CONTRACT WITH THE SECONDARY LOW BIDDER NEYLAND BRIDGE CONSTRUCTION, EXTENDING BID NUMBER BPA130A FOR AN ADDITIONAL 12 MONTHS (8/10/11 – 8/9/12) FOR BRIDGE AND HEADWALL REPAIR

ALISHA WICKENS, PURCHASING
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 276.11 APPROVING CONTRACT WITH J.C. CONCRETE, EXTENDING BID NUMBER BPA270 FOR AN ADDITIONAL 12 MONTHS (8/31/11 – 9/1/12) FOR MISCELLANEOUS CONCRETE REPAIR

ALISHA WICKENS, PURCHASING
MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

No ACTION 2.8 CONSIDERATION AND ACTION TO INCREASE THE COST NOT TO EXCEED AMOUNT OF \$1,970,562 WITH CORBET CONSTRUCTION BY ADDING A CHANGE ORDER FOR SECURITY FENCING AND WASTEWATER TREATMENT AT THE JUVENILE AND SHERIFF'S FACILITIES.
JOE WHITE, ENGINEER

2.9 **PRESENTATION** OF INFORMATION ABOUT TAC HEALTHY COUNTY EMPLOYER REWARDS.
DIANA BUCKLEY, HUMAN SERVICES

MINUTE ORDER NO 277.11 ACCEPTING A DEDICATION FROM THE STATE OF TEXAS OF AN APPROXIMATE 1.5 MILE SECTION OF RIGHT OF WAY KNOWN AS OLD HIGHWAY 287, NEAR THE COMMUNITY OF REAGOR SPRINGS. THE STATE OF TEXAS RECENTLY IMPROVED, MILLED, PLACED A HMAC OVERLAY AND RESTRIPE THE ROADWAY WITHIN SAID RIGHT OF WAY.

BILL DODSON, COMMISSIONER PCT2
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

2.11 CONSIDERATION OF CREATING THE POSITION OF ROAD WORKER VI FOR THE HIRING OF A NEW EMPLOYEE USING AVAILABLE FUNDS IN THE BUDGET FOR ROAD AND BRIDGE PCT 3. NO BUDGET AMENDMENT IS REQUIRED.

HEATH SIMS, COMMISSIONER PCT 3
MOTION BY COMMISSIONER SIMS; MOTION DIES FOR LACK OF SECOND

RECESS TO CONVENE TO EXECUTIVE SESSION (11:00 A.M.)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; 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."

- 3.1 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."
- 3.2 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

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

ADJOURNMENT

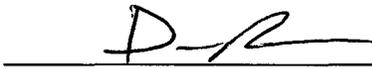
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF AUGUST 8, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



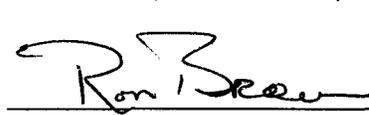
DENNIS ROBINSON, COMMISSIONER PCT 1



BILL DODSON, COMMISSIONER, PCT 2



HEATH SIMS, COMMISSIONER, PCT 3



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS SEPTEMBER 12, 2011.



CINDY POLLEY, COUNTY CLERK