

FILED

DEC 12 2011

COUNTY CLERK
ELLIS COUNTY, TEXAS

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

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, NOVEMBER 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-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 CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

CONSENT AGENDA:

MINUTE ORDER NO 387.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;
- A2 APPROVAL OF INVOICE #0027962-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$7,640 FOR OCTOBER 1, 2011 – OCTOBER 31, 2011 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY;
- A3 APPROVAL OF STATEMENT FROM GUINN & MORRISON FOR TOTAL FEE AND EXPENSES LESS RETAINER FOR REDISTRICTING SERVICES IN THE AMOUNT OF \$36,333.25;
- A4 APPROVAL OF THE BLANKET BOND TO COVER ALL TREASURER DEPUTIES;

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

F1 FROM 009-0602-50912-00000-000 (FM1 BRIDGE REPAIR) TO 009-0602-50802-00000-000 (FM1 EQUIPMENT) FOR \$30,000.00

SIMPLIFIED PLAT:

SP1 SIMPLIFIED PLAT – PEREZ ADDITION, 1 LOT, RUBEN PEREZ, PCT. 4

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:

MINUTE ORDER NO 388.11 APPROVING THE PURCHASE OF ONE (1) 2007 INGERSOLL-RAND SD77F-TF PADFOOT SOIL COMPACTOR, S/N 192641 WITH APPROXIMATELY 707 HOURS FOR RB4/FM4

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

MINUTE ORDER NO 389.11 DECLARING AS SURPLUS FOR RB4/FM4 ONE (1) 2002 VIBROMAX PAD ROOT ROLLER WITH STRIKE OFF BLADE MODEL #W605RD FOR SALE

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

DEPARTMENT OF DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY

ARMSTRONG, DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 390.11 GRANTING A VARIANCE FROM THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE 10' SIDE BUILDING SET-BACK LINE, HUNTER'S RUN LOT 28, JOHN WILSON, PCT. 1

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MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 391.11 GRANTING A VARIANCE FROM THE COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO FIRE HYDRANT REQUIREMENT, GREEN MANOR, LOT 4, STEVE WHITWORTH, PCT. 3

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

MINUTE ORDER NO 392.11 APPROVING RE-PLAT – GREEN MANOR, LOT 4, STEVE WHITWORTH, PCT. 3

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 393.11 APPROVING RE-PLAT – TALTON HOME PLACE, LOT 2 & 3, MEVLYN LOWE, WANDA & BARBARA TALTON, PCT. 3

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

No ACTION: 4.1 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY.

MINUTE ORDER NO 394.11 APPROVING CHANGES TO ELECTION PRECINCTS AND POLLING PLACES TO CONFORM TO THE COMMISSIONER AND JUSTICE PRECINCT/CONSTABLE LINES RECENTLY PRE-CLEARED BY THE ATTORNEY GENERAL (JANE ANDERSON, ELECTIONS)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 395.11 EXTENDING THE ENGAGEMENT OF RCC CONSULTANTS FOR PHASE II OF THE PUBLIC COMMUNICATIONS SYSTEM NARROW BANDING PROJECT (CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 396.11 APPROVING AND IMPLEMENTING RECOMMENDED REPAIRS BY RCC CONSULTANTS TO THE COUNTY'S VOTER SYSTEM (CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 397.11 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF GRAND PRAIRIE REGARDING IMPROVEMENTS TO GIFCO ROAD

(DAVID RIDGEWAY, ENGINEERING)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 398.11 APPROVING PARTICIPATION OF ELLIS COUNTY IN THE HAZARD MITIGATION GRANT PROGRAM AS DIRECTED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (SGT. MIKE MCKENNA, INTERIM EMERGENCY MANAGEMENT COORDINATOR)

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

RECESS TO CONVENE TO EXECUTIVE SESSION (6:50 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON 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 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, DUTIES, OR HIRING OF THE ELLIS COUNTY FIRE MARSHAL/ EMERGENCY MANAGEMENT COORDINATOR.

ADJOURNMENT OF EXECUTIVE SESSION

(7:15 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF NOVEMBER 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 DECEMBER 12, 2011:



CINDY POLLEY, COUNTY CLERK