

ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // MARCH 12, 2012

**FILED**

APR 23 2012

COUNTY CLERK  
ELLIS COUNTY, TEXAS  
MARCH 12, 2012 10:00

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, MARCH 12, 2012 AT 10:00 A.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2<sup>ND</sup> 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

**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 BROWN CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

**CONSENT AGENDA:**

**MINUTE ORDER NO 123.12 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF INVOICE #0028369-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$5,406.28 FOR DECEMBER 1, 2011 – JANUARY 31, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A3 ACCEPTANCE OF TIER 1 – PARTIAL EXEMPTION RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 2, TERRY NAY
- A4 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT AGENDAS DATED:  
FEBRUARY 13, 2012 AND FEBRUARY 27, 2012
- A5 APPROVAL OF THE FEBRUARY, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE
  - MARK ARNOLD, AGRICULTURE
  - PAGE BISHOP, 4-H
  - RITA HODGES, FAMILY & CONSUMER SCIENCES
- A6 APPROVAL OF A PROCLAMATION HONORING THE 100<sup>TH</sup> ANNIVERSARY OF GIRL SCOUTS OF AMERICA
- A7 APPROVAL OF THE NECESSARY BOND RENEWALS FOR THE FOLLOWING ESD BOARD OF DIRECTORS:

ESD#9 A BOND LIMIT OF \$10,000 FOR ALL MEMBERS EXCEPT DOUGLAS YOUNG. MR. YOUNG'S BOND LIMIT IS \$30,000. THE BOND'S RENEWAL TERM IS EFFECTIVE FEBRUARY 1, 2012 TO FEBRUARY 1, 2013

**SIMPLIFIED PLAT:**

SP1 LAKE TOM SAWYER, 2 LOTS, KASPER LANE, JONATHAN HORNER, PCT 2  
SP2 ARREOLA'S SUBDIVISION, 1 LOT, SECTION HOUSE ROAD, GUMARO ARREOLA, PCT 2  
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**DEPARTMENT OF COUNTY DEVELOPMENT**

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY JUDY ARMSTRONG, DIRECTOR DEPARTMENT OF DEVELOPMENT:

**MINUTE ORDER NO 124.12** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MOBILE HOMES AS IT RELATES TO THE BUILDING SET-BACK LINE FOR 125 STEPHENSON ROAD, RED OAK, TX, CARTUS FINANCIAL CORPORATION, PCT. 4 WITH THE UNDERSTANDING THAT REMOVAL OF BUILDING FOR FUTURE DEVELOPMENT OR WIDENING OF ROAD WILL BE AT THE EXPENSE OF THE HOMEOWNER.

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**No ACTION:** 2.2 ACCEPT THE COMPLETED CONSTRUCTION OF THE ROAD, SISTERS LANE, IN THE COMPLETED SUBDIVISION GARDEN ESTATES, ANDERSON SARGENT HOMES, PCT 4

**No ACTION:** 2.3 APPROVE THE RELEASE OF THE REMAINDER OF THE ESCROW AGREEMENT IN THE AMOUNT OF \$22,179.20 FOR THE COMPLETED CONSTRUCTION OF THE SUBDIVISION, GARDEN ESTATES, ANDERSON SARGENT HOMES, PCT 4

**MINUTE ORDER NO 125.12** GRANTING PERMISSION TO CROSS DEDICATED COUNTY RIGHT OF WAY UNDER BLUEBONNET LANE RIGHT OF WAY TO TRANSPORT WASTEWATER, JEROD BROWN, PCT. 2

*PARTICIPANT: JEROD BROWN*

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

**PURCHASING**

PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:

BID#: 2012-003 (VARIOUS ROADWAY MATERIALS) WAS OPENED ON 2/1/12, BIDS WERE EVALUATED BY EACH OF THE FOUR ROAD AND BRIDGE PRECINCTS; MATERIAL EVALUATION AND TESTING WAS PERFORMED BY ENGINEERING. THE RESULTS DETERMINED THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDERS. CONSIDERATION AND ACTION TO APPROVE:

**MINUTE ORDER NO 126.12** APPROVING CONTRACT #: 2012-003A WITH "CJ & SONS TRUCKING" FOR A 12 MONTHS WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 127.12** APPROVING CONTRACT #: 2012-003B WITH TXI OPERATIONS, LP FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 128.12** APPROVING CONTRACT #: 2012-003C WITH CENTRAL SAND AND GRAVEL FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 129.12** APPROVING CONTRACT #: 2012-003D WITH HANSON AGGREGATES FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 130.12** APPROVING CONTRACT #: 2012-003E WITH APAC TEXAS, INC. FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 131.12** APPROVING CONTRACT #: 2012-003F WITH BIG CITY CRUSHED CONCRETE FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 132.12** APPROVING CONTRACT #: 2012-003G WITH TRINITY MATERIALS FOR A 12 MONTH CONTRACT WITH 2 OPTIONAL 12 MONTH RENEWALS TO PROVIDE MATERIALS OUTLINED IN ATTACHMENT A

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

**No ACTION:** 4.1 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY.  
- CAROL BUSH, COUNTY JUDGE

**MINUTE ORDER NO 133.12** APPROVING EARLY VOTING SCHEDULES FOR THE MAY 29, 2012 PRIMARY ELECTION AND THE JULY 31, 2012 PRIMARY RUN OFF ELECTION FOR THE DEMOCRATIC AND REPUBLICAN PARTIES (JANE ANDERSON, ELECTIONS)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 134.12** APPROVING AN INTERLOCAL AGREEMENT BETWEEN ELLIS COUNTY AND THE CITY OF MAYPEARL ALLOWING THE CITY MOBILE ACCESS TO THE COUNTY'S AUTHORIZED TLETS CONNECTION (TEXAS LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM)  
(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 135.12** APPROVING AN AGREEMENT WITH "ALPHA TESTING, INC" FOR INDUSTRY STANDARD GEOTECHNICAL AND ENGINEERING TESTING. ENGINEERING, LABORATORY AND FIELD SERVICES WILL BE PAID HOURLY RATES PER TEST, ON AN AS NEEDED BASIS.

(JOE WHITE, ENGINEER)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 136.12** APPROVAL TO ENTER INTO AN ADMINISTRATIVE AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO RESOLVE ALL MATTERS CONCERNING PETROLEUM STORAGE TANK (PST) FACILITY ID NO. 66678, ELLIS COUNTY ROAD AND BRIDGE PRECINCT 4 (RON BROWN, COMMISSIONER PCT 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 137.12** APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND MIDLOTHIAN ISD FOR TERM AGREEMENT FEBRUARY 1, 2012 TO FEBRUARY 1, 2013 WHEREIN ELLIS COUNTY WILL PROVIDE THE FUNCTION OR SERVICE WHICH SHALL INCLUDE THE MAINTENANCE, REPAIRS AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AS WELL AS THE MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHES. THE COUNTY IS ALSO AUTHORIZEDSD TO SELL GOODS AND SERVICES TO THE DISTRICT.

(RON BROWN, COMMISSIONER PCT 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 138.12** APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND THE CITY OF RED OAK FOR TERM AGREEMENT FEBRUARY 1, 2012 TO FEBRUARY 1, 2013 WHEREIN ELLIS COUNTY WILL PROVIDE THE FUNCTION OR SERVICE WHICH SHALL INCLUDE THE MAINTENANCE, REPAIRS AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS AS WELL AS THE MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHES. THE COUNTY IS ALSO AUTHORIZEDSD TO SELL GOODS AND SERVICES TO THE DISTRICT.

(RON BROWN, COMMISSIONER PCT 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**RECESS TO CONVENE TO EXECUTIVE SESSION**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON 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 551.071 OF THE TEXAS GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL REGARDING CONTEMPLATED LITIGATION AGAINST JOEL THOMAS BRUCE FOR DAMAGES TO A BRIDGE LOCATED ON ARMSTRONG ROAD.

**ADJOURNMENT OF EXECUTIVE SESSION**

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 139.12** AUTHORIZING THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE TO FILE A CIVIL LAWSUIT AGAINST JOEL THOMAS BRUCE FOR DAMAGES TO A BRIDGE LOCATED ON ARMSTRONG ROAD (BILL DODSON, COMMISSIONER PCT 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**ADJOURNMENT**

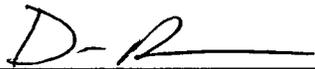
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MARCH 12, 2012 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 23<sup>RD</sup> DAY OF APRIL, 2012.



CINDY POLLEY, COUNTY CLERK *Deputy*