

FILED

APR 23 2012

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // MARCH 26, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, MARCH 26, 2012 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 BROWN CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 140.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF INVOICE #0028494-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$10,998.40 FOR FEBRUARY 1, 2012 – FEBRUARY 29, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A3 APPROVAL OF THE STATEMENT OF ELECTED/APPOINTED OFFICIAL AND OATH OF OFFICE FOR RAYMOND MINER, EMERGENCY SERVICE DISTRICT #5 BOARD MEMBER

FINANCIAL:

- F1 FROM 001-0050-50805, CONFERENCE TO 001-0050-50843, 4-H TRAVEL.
MARK ARNOLD, TEXAS AGRILIFE EXTENSION

- F2 FROM 001-0370-50804, POSTAGE To 001-0370-50601, TRAVEL. – JOHN BRIDGES, TAX ASSESSOR/COLLECTOR
- F3 FROM 001-0385-50801, SUPPLIES To 001-0385-50805, CONFERENCE; 001-0385-50842, CONFERENCE (JUDGE). GENE CALVERT, COUNTY COURT AT LAW #2
- F4 FROM 009-0602-50807, FM 1 GEN. Misc. To 009-0602-50802, FM 1 EQUIPMENT. –DENNIS ROBINSON, COMMISSIONER, ROAD & BRIDGE PCT 1
- F5 FROM 010-0653-50807, FM 2 – GENERAL EXPENSE To 010-0653-50910, FM 2, GAS. BILL DODSON, COMMISSIONER, ROAD & BRIDGE PCT 2
- 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>
BAC TAX SERVICES CORPORATION	152675	\$4,376.20
JACK IN THE BOX	206761	\$3,304.75
JAMES B. NUTTER & COMPANY	210806	\$2,615.07
BAC TAX SERVICES CORPORATION	236241	\$4,790.85
ELLIS COUNTY ABSTRACT	225966	\$2,588.96

MOTION BY COMMISSIONER ROBINSON, 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 141.12 ACCEPTING *SISTERS LANE*, IN THE COMPLETED SUBDIVISION *GARDEN ESTATES*, ANDERSON SARGENT HOMES, PCT 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 142.12 APPROVAL TO RELEASE THE CONSTRUCTION BOND OF \$22,179.20 FOR THE COMPLETED CONSTRUCTION OF THE SUBDIVISION, *GARDEN ESTATES*, ANDERSON SARGENT HOMES, PCT 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADMINISTRATIVE:

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

3.2 **PRESENTATION** BY JASON BROWN AND SHANNON STEVENSON, NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, ON THE FY 2012 AIRCHECKTEXAS DRIVE A CLEAN MACHINE PROGRAM ADMINISTRATIVE AGREEMENT AND OPERATIONAL PLANS. – BARBRA LEFTWICH, COUNTY PLANNER

MINUTE ORDER NO 143.12 AUTHORIZING THE PURCHASE OF APPROXIMATELY 2.5 ACRES OF LAND FROM J.B. MERCER ON I-45 BUSINESS IN PALMER, TEXAS, IMMEDIATELY ADJACENT TO PROPERTY OWNED BY ELLIS COUNTY AND UTILIZED BY ELLIS COUNTY ROAD AND BRIDGE

PRECINCT NO 1. THIS PURCHASE WAS ORIGINALLY AUTHORIZED BY THE ELLIS COUNTY COMMISSIONERS' COURT ON JULY 26, 2010 PURSUANT TO MINUTE ORDER NO. 247.10.

(DENNIS ROBINSON, COMMISSIONER PCT. 1)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 144.12 AUTHORIZING THE PLACEMENT OF A GATE ACROSS *COWAN ROAD*, A THIRD CLASS COUNTY ROADWAY, IN A MANNER MEETING NOT LESS THAN THE MINIMUM REQUIREMENTS OF SECTION 251.010 OF THE TRANSPORTATION CODE

(HEATH SIMS, COMMISSIONER, PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 145.12 SETTING THE MAXIMUM REASONABLE & PRUDENT SPEED INSIDE THE *PLUM CREEK SUBDIVISION* AT 30 MPH AS ALLOWED UNDER CHAPTER 251, SEC. 251.154 OF THE TEXAS TRANSPORTATION CODE. STREETS *INCLUDE PLUM CREEK, PLUM CREEK COURT, CREEKSIDE COURT AND BENT CREEK COURT.* (HEATH SIMS, COMMISSIONER, PCT. 3)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 146.12 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN *COUNTY OF ELLIS* AND *RED OAK 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 AUTHORIZED TO SELL GOODS AND SERVICES TO THE DISTRICT. (RON BROWN, COMMISSIONER, PCT. 4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

DISCUSSION: ENGINEERING PROJECT STATUS REPORT.... DAVID RIDGEWAY, ENGINEER REPORTED ON ACCOMPLISHMENTS OF THE ENGINEERING DEPARTMENT. THIS WAS HIS FINAL PRESENTATION BEFORE RELOCATING TO HOUSTON. (JOE WHITE, ENGINEER)

RECESS TO CONVENE TO EXECUTIVE SESSION (6:38 PM)

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."

- 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 551.074 OF THE GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. (PURCHASING AGENT)

ADJOURNMENT OF EXECUTIVE SESSION (8:35 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADJOURNMENT

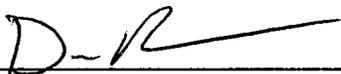
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MARCH 26, 2012 ARE HEREBY APPROVED.

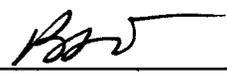
PRESIDING OFFICER:



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 APRIL 23, 2012



CINDY POLLEY, COUNTY CLERK Deputy