

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 9, 2012

FILED
JUN 11 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 9, 2012 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 BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER BILL DODSON

CONSENT AGENDA:

MINUTE ORDER NO 148.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS

No ACTION: A2 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE
COMMISSIONERS' COURT AGENDAS DATED:
MARCH 12, 2012 REGULAR AND MARCH 26, 2012 REGULAR

A3 APPROVAL OF A RESOLUTION SUPPORTING ELLIS COUNTY'S EMPLOYEE HEALTH AND SAFETY INITIATIVE

A4 ACKNOWLEDGMENT OF HEAVY EQUIPMENT SAFETY TRAINING RECEIVED ON MARCH 14, 2012, BY THE FOLLOWING
EMPLOYEES: GREGORY PECHACEK, DAVID MONTELONGO, BRIAN ALMAND, GARRY HERRELL, ABEL RODRIGUEZ,
LAWRENCE KRAJCA, FRANK LA SCALA, RODNEY TROST, LARRY FEASTER, PAT MEYER, JIMER CANNADAY, RANDY
NOVAK, RUBEN BENAVIDEZ, KEITH JOHNSON, NEAL BYRD, JOE WINDHAM, JAMES WHITE, CHAD BRADLEY, LEON
ZAJIC, JACK WHITT, KELLI DORTCH AND DIANA BUCKLEY

A5 ACCEPTANCE OF TIER 1 – PARTIAL EXEMPTION RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 3, JIMMIE
RAY

- A6 APPROVAL OF THE AIRCHECKTEXAS DRIVE A CLEAN MACHINE PROGRAM ADMINISTRATIVE AGREEMENT, WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

FINANCIAL:

- F1 FROM 001-0430-50806, BONDS/DUES To 001-0430-50801, SUPPLIES; 001-0430-50802, EQUIPMENT. – JOE STEWART, FIRE MARSHAL
- F2 FROM 005-0703-50802, PURCHASE OF EQUIPMENT To 005-0703-50807, MISC. – HEATH SIMS, COMMISSIONER PCT. 3
- F3 FROM 006-0754-40008, INTERLOCAL; 006-0754-40004, SALE OF MATERIAL; 006-0754-40010, SALE OF EQUIPMENT To 006-0754-50807, GENERAL MISC. – RON BROWN, COMMISSIONER PCT. 4
- F4 FROM 009-0602-50911, FM1 GRAVEL To 009-0602-50807, FM1 GEN. MISC. – DENNIS ROBINSON, COMMISSIONER PCT. 1
- F5 FROM 056-0956-40087, FORFEITURE INCOME To 056-0956-50807, FORFEITURE EXPENSE. – TERRY NAY, CONSTABLE PCT 2

SIMPLIFIED PLAT:

SP1 TUSCANY VILLAGE, 2 LOTS, UNITED BILT HOMES, PCT. 3

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS TO APPROVE CONSENT AGENDA (***NO ACTION A2***) CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 149.12 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES, AS IT RELATES TO THE ROAD FRONTAGE REQUIREMENT, JORDAN RANCH, 8030 JORDAN LANE, LARRY JONES, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

PURCHASING

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

MINUTE ORDER NO 150.12 AWARDING PRIMARY BID # 2012-007 AND AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH J&K EXCAVATION, LLC AS THE PRIMARY SOURCE FOR LIMESTONE FLEX BASE MATERIAL, TYPE A, GRADE 1 (DELIVERED) FOR PCTS 1, 2, 3 (ITALY) AND PCT 4 AND AS THE SECONDARY SOURCE FOR PRECINCT 3 (MAYPEARL))

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 151.12 AWARDING SECONDARY BID # 2012-007 AND AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH CJ & SONS TRUCKING, INC AS THE SECONDARY SOURCE FOR FLEX BASE MATERIAL, TYPE A, GRADE 1 (DELIVERED) FOR PRECINCTS 1, 2 3 (ITALY) AND PCT 4 AND AS PRIMARY SOURCE FOR PCT 3 (MAYPEARL)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

No ACTION: 3.3 TO AWARD THE PRIMARY BID AND ENTER INTO A CONTRACT REGARDING Bid #:2012-007 (PURCHASE OF LIMESTONE FLEX BASE MATERIAL, TYPE A, GRADE 4 – DELIVERED THROUGHOUT ELLIS COUNTY) AND GIVE THE COUNTY JUDGE AUTHORITY TO ENTER INTO A CONTRACT.

ADMINISTRATIVE:

MINUTE ORDER NO 152.12 APPROVING A PROCLAMATION DECLARING APRIL 9-13, 2012 AS NATIONAL LIBRARY WEEK AND DECLARING TUESDAY, APRIL 10TH AS LIBRARY WORKERS DAY IN ELLIS COUNTY WITH SPECIAL RECOGNITION OF ANN MONTGOMERY-MORAN AND CARLA KNEPPER (CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 153.12 APPROVING A MEMORANDUM OF UNDERSTANDING, SUBJECT TO LEGAL REVIEW, BETWEEN THE ELLIS COUNTY SHERIFF'S OFFICE AND THE CENTER FOR RURAL DEVELOPMENT, THE UNITED STATES DEPARTMENT OF JUSTICE AND THE NATIONAL INSTITUTE OF JUSTICE, AUTHORIZING THE USE OF A TECNAM P92 EAGLETT N911TE AIRCRAFT BY THE ELLIS COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT PURPOSES (*ALL VOLUNTEER PILOTS AND MAINTENANCE...NO COST TO COUNTY FOR AIRCRAFT...FUEL AND MAINTENANCE PAID FROM EXISTING BUDGET WITH NO BUDGET INCREASE*) (CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS TO **APPROVE SUBJECT TO LEGAL RECOMMENDATION** CARRIES UNANIMOUSLY

MINUTE ORDER NO 154.12 APPROVING AN ADDENDUM TO MASTER SERVICE AGREEMENT BETWEEN ELLIS COUNTY AND JUSTICE SOLUTIONS FOR THE ADDITION OF REMOTE DATA BACKUP, HOT-SPARE REPLICATION SERVICES AND JAIL INFORMATION PUBLIC INQUIRY (DENNIS BREARLEY, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 155.12 ACCEPTING SCRAP 'BY-PRODUCT' MATERIAL FROM ANDERSON COLUMBIA, INC. FROM THE HWY. 287 BY-PASS PROJECT IN ENNIS, TEXAS AT NO COSTS TO ELLIS COUNTY, PCT. 2. MATERIAL IS TO BE USED TO FILL IN DITCHES.

(BILL DODSON, ELLIS COUNTY COMMISSIONER, PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 156.12 APPROVING AN INTERLOCAL COOPERATION CONTRACT BETWEEN COUNTY OF ELLIS AND CITY OF GLENN HEIGHTS FOR TERM AGREEMENT FEBRUARY 1, 2012 TO FEBRUARY 1, 2013 FOR MAINTENANCE, REPAIR AND/OR CONSTRUCTION OF STREETS, ROADS, ALLEYS, BRIDGES AND PARKING AREAS, AS WELL AS THE MAINTENANCE AND CONSTRUCTION OF WATERWAYS AND DITCHES AND AUTHORIZING THE COUNTY TO SELL TO THE CITY GOODS AND SERVICES (RON BROWN, COMMISSIONER PCT.4)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (10:39 AM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS 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.”

ADJOURNMENT OF EXECUTIVE SESSION (11:06 AM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

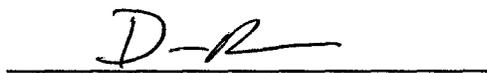
ADJOURNMENT

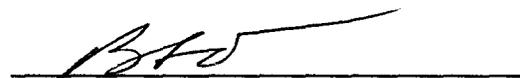
MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

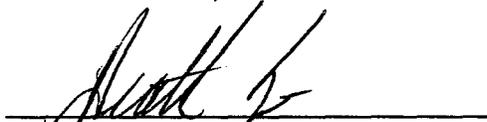
THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF APRIL 9, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:


CAROL BUSH, COUNTY JUDGE

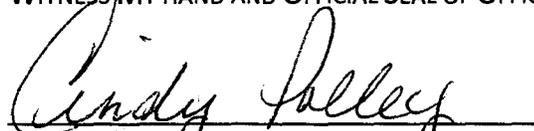

DENNIS ROBINSON, COMMISSIONER PCT 1


BILL DODSON, COMMISSIONER, PCT 2


HEATH SIMS, COMMISSIONER, PCT 3


RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 11, 2012.


CINDY POLLEY, COUNTY CLERK