

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // APRIL 23, 2012

FILED
JUN 11 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, APRIL 23, 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 ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER HEATH SIMS PCT. 3

CONSENT AGENDA:

MINUTE ORDER NO 157.12 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

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

A2 APPROVAL AND CERTIFICATION OF THE MINUTES FROM THE COMMISSIONERS' COURT AGENDAS DATED:
MARCH 12, 2012 REGULAR AND MARCH 26, 2012 REGULAR

A3 ACCEPTANCE OF TIER 1 – PARTIAL EXEMPTION RACIAL PROFILING REPORT FROM CONSTABLE PRECINCT 1, BEN FRY

A4 APPROVAL OF THE MARCH, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE:

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

FINANCIAL:

F1 FROM 001-0613-50803, FURNITURE TO 001-0613-50810, TIRES. —JIMMIE RAY, CONSTABLE PCT. 3

- F2 FROM 003-0601-30302, RB1 FUND BALANCE TO 003-0601-50807, RB1, GEN. MISC.; 003-0601-50915, RB1, ASPHALT. – DENNIS ROBINSON, ROAD AND BRIDGE 1, COMMISSIONER PCT. 1
- F3 FROM 009-0602-30302, FM1 FUND BALANCE TO 009-0602-50807, FM1 GEN. MISC; 009 0602-50908, FM1 LUMBER; 009-0602-50910, FM1 GAS; 009-0602-50911, FM1 GRAVEL; 009-0602-50915, FM1 ASPHALT. – DENNIS ROBINSON, FARM TO MARKET 1, COMMISSIONER PCT. 1
- F4 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>
GMAC MORTGAGE	149093	\$3,287.48
BANK OF AMERICA	200230	\$2,142.10
GATEWAY MORTGAGE GROUP	218371	\$2,993.09
GMAC MORTGAGE	235332	\$3,109.15

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

DEPARTMENT OF COUNTY DEVELOPMENT

JUDY ARMSTRONG, DIRECTOR DEPARTMENT OF DEVELOPMENT

MINUTE ORDER NO 158.12 CLOSING A PORTION OF THE ROAD – HIGHVIEW DRIVE, LOCATED IN SUNRISE VILLAGE, LEROY CASTILLO, PCT. 2

MOTION 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 159.12 AWARDING BID # 2012-007 AND AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT WITH LONE STAR AGGREGATES FOR PURCHASE OF LIMESTONE FLEX BASE MATERIAL, TYPE A, GRADE 4 – DELIVERED THROUGHOUT ELLIS AT FOR \$8.55 PER TON (SITE AT RICHLAND TEXAS)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 160.12 APPROVING A PROCLAMATION SUPPORTING THE COMMUNITY’S EFFORTS IN IMPLEMENTING PROGRAMS AND SERVICES TO ASSIST THE INNOCENT VICTIMS OF VIOLENT CRIME (CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 161.12 APPROVING THE EXECUTION OF ALL NECESSARY DOCUMENTS AUTHORIZING THE ELLIS COUNTY TAX ASSESSOR COLLECTOR TO ENTER INTO AN AGREEMENT WITH TRSOLUTIONS, LLC, FOR THE INSTALLATION AND USE OF THE TRSOLUTIONS PROGRAM FOR THE TITLING AND REGISTRATION OF MOTOR VEHICLES PURSUANT TO CHAPTER 502 OF THE TEXAS TRANSPORTATION CODE AT NO COST TO ELLIS COUNTY

(JOHN BRIDGES, TAX ASSESSOR & COLLECTOR)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 162.12 APPROVING A REQUEST FOR REIMBURSEMENT TO CHIEF DEPUTY CONSTABLE KENNETH SINGLETON IN THE AMOUNT OF \$2,720 FOR UNIFORM ALLOWANCE
(MIKE JONES, CONSTABLE PCT. 4)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

AGENDA ITEMS: 4.4, 4.5, 4.6 AND 4.7: CONSTABLE TERRY NAY, PCT 2 AND CHRIS CLAUSE FROM COG PRESENTED THE FOLLOWING PROPOSAL WITH REGARD TO FUNDS FROM PARKER AND ROCKWALL COUNTIES RELATED TO THE EMISSIONS ENFORCEMENT PROGRAM. NEITHER PARKER NOR ROCKWALL COUNTIES HAVE AN ACTIVE ENFORCEMENT PROGRAM AND WOULD LIKE TO DESIGNATE GRANT FUNDS ALLOTTED THEIR COUNTIES TO ELLIS COUNTY AS WE HAVE AN ACTIVE PROGRAM (MINUTE ORDERS 163.12, 164.12, 165.12 AND 166.12)

MINUTE ORDER NO 163.12 APPROVING AN AMENDED PROJECT PROPOSAL RELATED TO THE ELLIS COUNTY EMISSIONS ENFORCEMENT PROGRAM FY2012/13 BY ACCEPTING TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, LOCAL INITIATIVES PROJECTS' FUNDS FROM PARKER COUNTY
(\$41,790)

MINUTE ORDER NO 164.12 APPROVING AN AMENDED PROJECT PROPOSAL RELATED TO THE ELLIS COUNTY EMISSIONS ENFORCEMENT PROGRAM FY2012/13 BY ACCEPTING TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, LOCAL INITIATIVES PROJECTS' FUNDS FROM ROCKWALL COUNTY
(\$54,808)

MINUTE ORDER NO 165.12 APPROVING AN INTERLOCAL AGREEMENT BETWEEN PARKER COUNTY AND ELLIS COUNTY TO COORDINATE AND EXECUTE LAW ENFORCEMENT OPERATIONS TARGETING FRAUDULENT OR IMPROPER MOTOR VEHICLE INSPECTIONS

MINUTE ORDER NO 166.12 APPROVING AN INTERLOCAL AGREEMENT BETWEEN ROCKWALL COUNTY AND ELLIS COUNTY TO COORDINATE AND EXECUTE LAW ENFORCEMENT OPERATIONS TARGETING FRAUDULENT OR IMPROPER MOTOR VEHICLE INSPECTIONS

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS TO APPROVE **MINUTE ORDER NO 163.12-166.12 (4.4-4.7)** CARRIES UNANIMOUSLY

MINUTE ORDER NO 167.12 ACCEPTING A LETTER FROM AEROWAVE TECHNOLOGIES THAT RESCINDS THE ADDED VALUE SERVICE AGREEMENT BETWEEN AEROWAVE AND ELLIS COUNTY SHERIFF'S DEPARTMENT, DATED APRIL 25, 2011, PREVIOUSLY APPROVED IN MINUTE ORDER NO. 181.11
(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION TO *TERMINATE CONTRACT WITH AEROWAVE* BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 168.12 ENTERING INTO A MEMORANDUM OF UNDERSTANDING BETWEEN ELLIS COUNTY AND THE TARRANT COUNTY HOSPITAL DISTRICT FOR THE CREATION OF A REGIONAL HEALTH PARTNERSHIP, AS REQUIRED BY THE TEXAS DEPARTMENT OF HEALTH AND HUMAN SERVICES AND TEXAS MEDICAID 1115 WAIVER
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

4.10 **UPDATE AND DISCUSSION** OF NARROW BANDING ELLIS COUNTY PUBLIC COMMUNICATIONS.

- KATHY ERIKSEN, PROJECTS COORDINATOR

No ACTION: 4.11 CONSIDERATION AND ACTION REGARDING A RESOLUTION DESIGNATING AND AUTHORIZING SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION TO PREPARE AND SUBMIT A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM APPLICATION THROUGH ELLIS COUNTY FOR 2013/2014 GRANT PROGRAM CYCLE.

▪ HEATH SIMS, COMMISSIONER, PCT. 3

No ACTION: 4.12 CONSIDERATION AND ACTION TO ENACT THE ELLIS COUNTY BURN BAN EFFECTIVE IMMEDIATELY.

▪ CAROL BUSH, COUNTY JUDGE

RECESS TO CONVENE TO EXECUTIVE SESSION (7:10 PM)

MOTION BY COMMISSIONER DODSON, 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."

ADJOURNMENT OF EXECUTIVE SESSION (7:15 PM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF APRIL 23, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



DENNIS ROBINSON, COMMISSIONER PCT 1



HEATH SIMS, COMMISSIONER, PCT 3

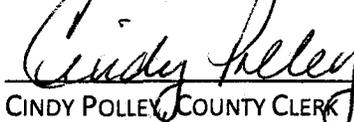


BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

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



CINDY POLLEY, COUNTY CLERK