

**FILED**

**JUL - 9 2012**

**COUNTY CLERK  
ELLIS COUNTY, TEXAS**

**ELLIS COUNTY COMMISSIONERS' COURT  
OFFICIAL MINUTES // MAY 14, 2012**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, MAY 14, 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:**

TINA CHAMBERS, ASSISTANT COUNTY CLERK

**COUNTY & DISTRICT ATTORNEY'S OFFICE:**

ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

**OPENING COURT:** (10:05 AM)

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 PCT. 4

**CONSENT AGENDA:**

**MINUTE ORDER NO 169.12 APPROVING CONSENT AGENDA**

**ADMINISTRATIVE:**

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF INVOICE #0028652-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$5,780 FOR MARCH 1, 2012 – MARCH 31, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A3 APPROVAL TO REMOVE TWO SIGNS IN THE PARKING LOT ADJACENT TO COUNTY BUILDINGS FACING FRANKLIN STREET THAT READ: "ELLIS COUNTY EMPLOYEE PARKING ONLY"
- A4 APPROVAL OF A PROCLAMATION HONORING RETIRED SHERIFF WAYNE MCCOLLUM ON HIS 100<sup>TH</sup> BIRTHDAY AND PROCLAIMING THURSDAY, MAY 17, 2012 AS SHERIFF WAYNE MCCOLLUM DAY IN ELLIS COUNTY
- A5 RATIFICATION OF A LOCATION AGREEMENT BETWEEN LOLAJACK, LLP AND ELLIS COUNTY TO FILM A TELEVISION COMMERCIAL AT THE HISTORIC ELLIS COUNTY COURTHOUSE FOR A FEE OF \$800

**FINANCIAL:**

- F1 FROM 001-0400-50801, SUPPLIES TO 001-0400-50873, MAINT/REPAIRS OFFICE EQUIPMENT – CHERYL CHAMBERS, TREASURER

- F2 FROM 003-0601-40010, RB1 SALE OF EQUIPMENT TO 003-0601-50721, LAND PURCHASE– DENNIS ROBINSON, COMMISSIONER, PCT. 1
- F3 FROM 010-0653-30302, FM2 FUND BALANCE CARRYOVER TO 010-0653-50910, FM2 GAS; 010-0653-50911, FM2 GRAVEL; 010-0653-50915, FM2 ASPHALT – BILL DODSON, COMMISSIONER, PCT. 2
- F4 FROM 010-0653-50807, FM2-GEN EXPENSE TO 010-0653-50909, FM2-REPAIRS-PARTS – BILL DODSON, COMMISSIONER, PCT. 2
- F5 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>
NATIONSTAR MORTGAGE	140443	\$9,020.46
OCWEN LOAN SERVICING, LLC	175848	\$5,379.90
BANK OF AMERICA	192790	\$3,146.81
THOMAS D. POWERS	221277	\$4,417.93
GMAC c/o CORELOGIC	227855	\$3,532.34
GMAC c/o CORELOGIC	229392	\$4,855.96

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

**DEPARTMENT OF COUNTY DEVELOPMENT**

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

- No ACTION:** 2.1 GRANT A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE 150’ ROAD FRONTAGE REQUIREMENT, 1601 NORTH OAK BRANCH, TIM AND SUSAN PATE, PCT. 3.

**MINUTE ORDER NO 170.12** GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES WITH REGARD TO THE REQUIREMENT FOR 3 ACRES AND 300’ ROAD FRONTAGE FOR LOTS WITH ON-SITE-SEWAGE FACILITY AND AWATER WELL, 103 CEDAR PARK, IVAN BRIGMAN, PCT. 3

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**PURCHASING**

**MINUTE ORDER NO 171.12** AWARDING OF COMPREHENSIVE PROPERTY AND CASUALTY INSURANCE FOR ELLIS COUNTY FOR THE PERIOD OF ONE YEAR BEGINNING 5/22/2012 THROUGH 5/22/2013 **TO TRIDENT (HIBBS)**

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**ADMINISTRATIVE:**

- 4.1 **PRESENTATION** BY KEVIN BLANKENSHIP, PLANT MANAGER OF ASH GROVE TEXAS LP. PRESENTATION WILL FOCUS ON THE MODERNIZATION OF THE ASH GROVE TEXAS CEMENT FACILITY WITH A BRIEF DESCRIPTION OF THE KILN MODIFICATION PROJECT THAT WILL TURN ASH GROVE TEXAS FROM A WET KILN SYSTEM TO A DRY KILN SYSTEM.

- HEATH SIMS, COMMISSIONER, PCT. 3

**MINUTE ORDER NO 172.12** APPROVAL TO ENTER INTO A CONTRACT WITH THE DEPARTMENT OF THE ARMY CORP OF ENGINEERS TO PROVIDE LAW ENFORCEMENT SERVICES TO THE LAKE BARDWELL PROJECT  
(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 173.12** APPROVING A FIRST AMENDMENT TO MASTER SERVICES AGREEMENT BETWEEN THE ELLIS COUNTY JAIL AND T-NETIX, INC. FOR THE TERM OF JULY 10, 2012 THROUGH JULY 10, 2013  
(DENNIS BREARLEY, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**NO ACTION:** 4.9 CONSIDERATION AND ACTION REGARDING A RESOLUTION DESIGNATING AND AUTHORIZING SOUTH ELLIS COUNTY WATER SUPPLY CORPORATION TO PREPARE AND SUBMIT A TEXAS COMMUNITY BLOCK GRANT (TXCDBG) PROGRAM APPLICATION THROUGH ELLIS COUNTY FOR THE 2013/2014 GRANT PROGRAM CYCLE. GRANT FUNDING WILL HELP TO IMPROVE THE INFRASTRUCTURE IN THE SOUTH ELLIS COUNTY WATER CORPORATION WATER SYSTEM.

HEATH SIMS, COMMISSIONER, PCT. 3

4.3 **PRESENTATION** OF ELLIS COUNTY INVESTMENT REPORT, FIRST QUARTER, 2012 BY CHERYL CHAMBERS, TREASURER

**MINUTE ORDER NO 174.12** ENTERING INTO AN AGREEMENT (PENDING LEGAL APPROVAL) WITH APEX INNOVATIONS TO PURCHASE SOFTWARE LICENSES TO ADMINISTER THEIR MASS NOTIFICATION SERVICES FOR FIREFIGHTER RESPONSE ALERTS (JOE STEWART, FIRE MARSHAL / EMC)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**MINUTE ORDER NO 175.12** APPROVING A CONTRACT BETWEEN ELLIS COUNTY AND MARY KILGO, CONTRACTOR FOR THE CITIES READINESS INITIATIVE COORDINATOR AS IT PERTAINS TO ELLIS COUNTY  
(JOE STEWART, FIRE MARSHAL / EMC)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

**MINUTE ORDER NO 176.12** APPROVAL TO SUBMIT AN OF APPLICATION WITH NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT FOR THE 2012 CLEAN DIESEL CALL FOR PROJECTS AND AUTHORIZING THE COUNTY JUDGE TO SIGN PERTINENT DOCUMENTATION RELATED TO APPLICATION AND APPROVAL OF GRANT WITH N.C.T.C.O.G. PLANS ARE TO PURCHASE TRACTOR OF MOWING.

(BILL DODSON, COMMISSIONER, PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**MINUTE ORDER NO 177.12** APPROVAL TO MAKE RECOMMENDATION TO THE ELLIS CENTRAL APPRAISAL DISTRICT TO DENY THE ABATEMENT EXEMPTION APPLICATION OF DIRECT ENERGY LOCATED IN ENNIS, TEXAS  
(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

**RECESS TO CONVENE TO EXECUTIVE SESSION (11:51 AM)**

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 POTENTIAL LITIGATION CONCERNING THE ABATEMENT EXEMPTION APPLICATION OF DIRECT ENERGY TO THE ELLIS CENTRAL APPRAISAL DISTRICT.
- 5.3 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 (1:26 PM)**

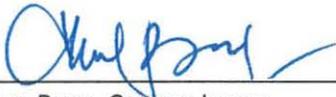
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

**ADJOURNMENT (1:28 PM)**

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MAY 14, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



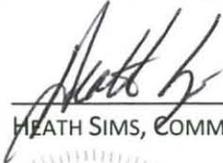
CAROL BUSH, COUNTY JUDGE



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 JULY 9, 2011



CINDY POLLEY, COUNTY CLERK

*Deputy*