

FILED
JUL 13 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JULY 23, 2012**

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

INVOCATION—RON BROWN, COMMISSIONER PCT. 4

PLEDGE OF ALLEGIANCE— COMMISSIONER BROWN INTRODUCED MEMBERS OF BOY SCOUT TROOPS 512 AND 234 AND REQUESTED THAT THEY LEAD THE PLEDGE...ETHAN HERNANDEZ, TRAVIS McCASLAND AND LOGAN HERNANDEZ

CONSENT AGENDA:

MINUTE ORDER NO 208.12 APPROVING CONSENT AGENDA

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

A2 APPROVAL OF THE JUNE, 2012 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE

-MARK ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A3 TO APPROVE A REIMBURSEMENT IN THE AMOUNT OF \$462.30 TO TIMOTHY JAMES SLAYTON, IN EXCHANGE FOR A FULL AND FINAL RELEASE OF ALL CLAIMS AGAINST ELLIS COUNTY AND ITS OFFICIALS

A4 ACCEPTANCE OF THE SECOND QUARTER 2012 ELLIS COUNTY INVESTMENT REPORT

FINANCIAL:

- F1 FROM 001-0210-40719, CHAPTER 19 STATE FUNDING TO 001-0210-50800, CHAPTER 19 EXPENDITURES – JANE ANDERSON, ELECTIONS
- F2 FROM 001-0370-50802, EQUIPMENT; 001-0370-50803, FURN/FIXTURES; 001-0370-50805, CONFERENCE; 001-0370-50806, OFFICIAL BOND/DUES TO 001-0370-50801, SUPPLIES – JOHN BRIDGES, TAX ASSESSOR
- F3 FROM 001-0375-50933, CONSULTANT TO 001-0375-50801, SUPPLIES – JOE WHITE, ENGINEERING
- F4 FROM 010-0653-50807, FM 2- GEN EXPENSES TO 010-0653-50915, FM2- ASPHALT – BILL DODSON, COMMISSIONER PCT 2
- F5 FROM 010-0653-50908, FM2-LUMBER TO 010-0653-50906, FM2-CULVERTS – BILL DODSON, COMMISSIONER PCT 2
- F6 FROM 001-0425-50502, HUMAN SERVICES, SALARIES TO 001-0400-50502, TREASURER, SALARIES \$400 MONTHLY INTERIM HR PROCESSING STIPEND EFFECTIVE JULY 9, 2012 UNTIL INTERIM PERIOD EXPIRES -- CAROL BUSH, COUNTY JUDGE

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

PURCHASING

MINUTE ORDER NO 209.12 DENYING THE 2ND AND FINAL RENEWAL TO EXTEND CONTRACT NUMBER BPA130A WITH NEYLAND BRIDGE CONSTRUCTION FOR AN ADDITIONAL 12 MONTHS (08/10/2012 – 08/09/2013) FOR BRIDGE AND HEADWALL REPAIR, AND

MINUTE ORDER NO 209.12(A) DENYING THE 2ND AND FINAL RENEWAL TO EXTEND CONTRACT NUMBER BPA130A WITH JAMES R. BOLTON CONSTRUCTION COMPANY FOR AN ADDITIONAL 12 MONTHS (08/10/2012 – 08/09/2013) FOR BRIDGE AND HEADWALL REPAIR

MOTION BY COMMISSIONER SIMS TO NOT APPROVE 2.1 & 2.2, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 210.12 APPROVING THE 2ND AND FINAL RENEWAL EXTENDING CONTRACT NUMBER BPA-270 FOR AN ADDITIONAL 12 MONTHS (08/31/2012 – 08/30/2013) FOR MISCELLANEOUS CONCRETE REPAIR WITH J.C. CONCRETE

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 211.12 WITHDRAWING ELLIS COUNTY'S MEMBERSHIP IN THE TEXAS CUC AGGREGATION PROJECT, INC. [D/B/A PUBLIC POWER POOL (P3)] PURSUANT TO ARTICLE III, SECTION 4(C) OF THE WRITTEN BYLAWS OF TEXAS CUC AGGREGATION PROJECT, INC.

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 212.12 ACCEPTING THE RESIGNATION OF ELMO WADE FROM THE BOARD OF THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT AND APPOINTING JOE CROW TO FILL HIS UNEXPIRED TERM (BILL DODSON, COMMISSIONER PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 213.12 REJECTING ALL BIDS FOR SERVICES TO REMOVE AND REPLACE ALL DAMAGED INSULATION ON DUCTWORK AND CHILLED WATER PIPING LOCATED ON THE ROOF OF THE WAYNE MCCOLLUM DETENTION CENTER (JOE WHITE, COUNTY ENGINEER)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 214.12 RESCINDING A FACILITIES EMERGENCY GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT BETWEEN ELLIS COUNTY AND EMERGENCY POWER SERVICES ORIGINALLY APPROVED BY THE COMMISSIONERS' COURT PURSUANT TO MINUTE ORDER 112.12 ON FEB. 13, 2012 (JOE WHITE, COUNTY ENGINEER)
MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 215.12 APPROVING THE EAST TEXAS MEDICAL CENTER (EMS) REQUEST FOR CONSUMER PRICE INDEX (CPI) PERCENTAGE ADJUSTMENT AS ALLOWED IN CONTRACT. THE ELLIS COUNTY SUBSIDY FOR THE NEXT CONTRACT YEAR (OCTOBER 1, 2012 – SEPTEMBER 30, 2013) WILL BE \$113,824.11. (MIKE NAVARRO, COUNTY AUDITOR)
MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 216.12 RENEWING EMPLOYEE HEALTH INSURANCE COVERAGE AT CURRENT LEVEL (*PROPOSAL 1*) THROUGH THE TEXAS ASSOCIATION OF COUNTIES HEALTH AND EMPLOYEE BENEFITS POOL, REALIZING A SURPLUS DISTRIBUTION OF \$145,477 AND PASSING ALONG A SLIGHT INCREASE IN THE COST OF DEPENDENT PREMIUMS (MIKE NAVARRO, COUNTY AUDITOR)
MOTION BY COMMISSIONER SIMS TO RENEW COVERAGE AT CURRENT LEVEL (*PROPOSAL 1*), SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 217.12 ACCEPTING THE PROPOSAL OF RCC CONSULTANTS, INC. DATED JUNE 15, 2012 TO PROVIDE CONSULTING SERVICES FOR THE DESIGN, APPROVAL AND CONSTRUCTION OF A NEW RADIO TOWER AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE SECOND AMENDMENT TO CONSULTANT SERVICES AGREEMENT (KATHY ERIKSEN, PROJECTS COORDINATOR)
MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 218.12 AUTHORIZING THE COUNTY JUDGE TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN ELLIS COUNTY AND THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENT'S AREA AGENCY ON AGING FOR FY 2012-13 FOR A ONE-TIME PAYMENT IN THE AMOUNT OF \$10,638 AS ITS PROPORTIONATE SHARE OF THE AREA AGENCY ON AGING MATCH REQUIREMENT (CAROL BUSH, COUNTY JUDGE)
MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 219.12 APPROVING THE INSTALLATION OF ALL NECESSARY RAILROAD WARNING SIGNALS AND GATES BY THE TEXAS DEPARTMENT OF TRANSPORTATION TO BE LOCATED AT A RAILROAD CROSSING ON MOSELEY ROAD, AND ACCEPTING THE LOCATION OF TWO ADVANCE WARNING SIGNS TO BE LOCATED WITHIN THE ELLIS COUNTY RIGHT-OF-WAY ALONGSIDE MOSELEY ROAD, LOCATED WITHIN THE UNINCORPORATED AREA OF ELLIS COUNTY ROAD AND BRIDGE PRECINCT NO. 2 (BILL DODSON, COMMISSIONER PCT. 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:44 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 AND/OR HUMAN RESOURCES DIRECTOR

ADJOURNMENT OF EXECUTIVE SESSION (7:05 PM)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

ADJOURNMENT

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

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

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE

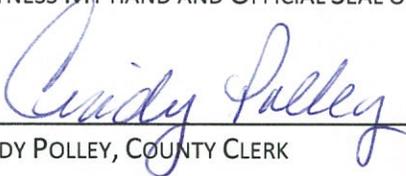

DENNIS ROBINSON, COMMISSIONER PCT 1


BILL DODSON, COMMISSIONER, PCT 2


HEATH SIMS, COMMISSIONER, PCT 3


RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS AUGUST 13, 2012


CINDY POLLEY, COUNTY CLERK