

FILED
SEP 10 2012
COUNTY CLERK
ELLIS COUNTY, TEXAS

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // AUGUST 13, 2012

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, AUGUST 13, 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 DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—DENNIS ROBINSON, COMMISSIONER PCT. 1

CONSENT AGENDA:

MINUTE ORDER NO 220.12 APPROVING CONSENT AGENDA

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 ACKNOWLEDGEMENT OF THE CONTRACT AMENDMENT BETWEEN NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) AND ELLIS COUNTY FOR CITIES READINESS INITIATIVE (CRI) PROJECT PERIOD. THE PURPOSE OF THIS AMENDMENT IS TO REVISE THE CONTRACT END DATE FOR THE ONE MONTH EXTENSION UNTIL AUGUST 31, 2012.
- A3 ACKNOWLEDGEMENT OF THE EXTENSION OF THE CURRENT CRI COORDINATOR'S CONTRACT BETWEEN ELLIS COUNTY AND MARY KILGO TO COINCIDE WITH THE EXTENSION OF THE CRI PROJECT PERIOD FOR A CONTRACT END DATE OF AUGUST 31, 2012
- A4 APPROVAL OF INVOICE #002123-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$3,368.18 FOR JUNE 1, 2012 – JUNE 30, 2012 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY

MINUTE ORDER NO 221.12 APPROVING REPLAT JORDAN RANCH, LOTS 21A; 21B; AND 21B-R IN BLOCK A, JORDAN LANE, *LARRY AND MARILYN JONES, PCT. 3*

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

MINUTE ORDER NO 222.12 APPROVING REPLAT INDIAN CREEK ESTATES; TRACT 5; AND HAWKS HAVEN; LOTS 1, 2, & 3, F.M. 875 AND INDIAN CREEK DR. *BRYAN AND DEBRA POTTER, PCT. 3*

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

MINUTE ORDER NO 223.12 GRANTING A VARIANCE AS IT RELATES TO THE 30' BUILDING SET BACK LINE IN CRESTVIEW ESTATES, PHASE 1, BLOCK D, LOT 8, *HENRY LANE, JESUS MORENO, PCT. 1*

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

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY HANNA MCCLEARY, INTERIM PURCHASING AGENT:

MINUTE ORDER NO 224.12 APPROVING A CONTRACT AGREEMENT FOR BID NUMBER 2012-009 FOR HAULING ROAD MATERIALS FOR THE PERIOD OF 8/13/2012 THROUGH 12/31/2012 WITH TWO (2) ONE (1) YEAR OPTIONS TO RENEW

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

ADMINISTRATIVE:

MINUTE ORDER NO 225.12 APPOINTING LARRY JONES TO THE ELLIS COUNTY RURAL RAIL TRANSPORTATION DISTRICT BOARD OF DIRECTORS TO FILL THE UNEXPIRED TERM OF ELMO WADE WHICH EXPIRES ON DECEMBER 31, 2013. (BILL DODSON, COMMISSIONER PCT. 2)

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

MINUTE ORDER NO 226.12 APPROVING TAX RESALE OFFER BY JIMMY AND SONDRAL LEDBETTER FOR THE PROPERTY AT 206 BOWERS ST., MAYPEARL, TEXAS PCT. 1 (CAROL BUSH, COUNTY JUDGE)

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

RECESS REGULAR SESSION TO CONVENE TO PUBLIC HEARING

MOTION TO RECESS FOR PUBLIC HEARING BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PUBLIC HEARING

PUBLIC HEARING ON THE PROPOSED INCREASE OF THE FOLLOWING EXPENSES OF ELECTED OFFICIALS FOR 2012-13 FISCAL YEAR BUDGET, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §152.013.

- JUSTICE OF THE PEACE PCT 1, JUDGE BILL WOODY

-PROPOSED INCREASE OF \$1900 IN TRAVEL EXPENSES. INCREASE FROM \$3600 TO \$5500

NO ONE ADDRESS THE COURT REGARDING THIS ISSUE

ADJOURNMENT OF PUBLIC HEARING AND RECONVENE TO REGULAR SESSION

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

MINUTE ORDER NO 227.12 APPROVING SALARIES, EXPENSES AND ALLOWANCES OF ELECTED OFFICIALS FOR FISCAL BUDGET YEAR 2012-13, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE 152.013 (CAROL BUSH, COUNTY JUDGE)

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

MINUTE ORDER NO 228.12 SETTING THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR BUDGET FY 2012-13, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.007, AS FOLLOWS:

MONDAY, AUGUST 27, 2012 AT 6:00 P.M.
ELLIS COUNTY COMMISSIONERS' COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

(CAROL BUSH, COUNTY JUDGE)

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

MINUTE ORDER NO 229.12 DISCUSSING THE TAX RATE FOR BUDGET FY 2012-13 AND TAKING RECORD VOTE TO PLACE THE PROPOSAL TO ADOPT THE RATE (0.413599) AT A FUTURE MEETING, PURSUANT TO TEXAS TAX CODE §26.05(D) AS FOLLOWS:

MONDAY, SEPTEMBER 10, 2012 AT 10:00 A.M.
ELLIS COUNTY COMMISSIONERS' COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON WITH EACH MEMBER OF THE COURT POLLED AS RECORDED:

COMMISSIONER RON BROWN....YES;
COMMISSIONER SIMS....YES;
COMMISSIONER DODSON....YES;
COMMISSIONER ROBINSON....YES;
COUNTY JUDGE, CAROL BUSH.....YES

MOTION CARRIES UNANIMOUSLY WITH ALL MEMBERS OF THE COMMISSIONERS' COURT VOTING YES

MINUTE ORDER NO 230.12 APPROVING AN EMERGENCY GENERATOR MAINTENANCE AGREEMENT WITH ALPINE POWER SYSTEMS FOR MAINTENANCE AND LOAD BANK TESTING OF SIX EMERGENCY GENERATORS WITH A ONE YEAR RENEWABLE TERM BEGINNING AUGUST 13, 2012 AND ENDING AUGUST 12, 2013 IN THE AMOUNT OF \$14,574.68 (JOE WHITE, COUNTY ENGINEER)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 231.12 APPROVING CONTRACT #2013-041414 BETWEEN THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) AND ELLIS COUNTY REGARDING THE NEW "CITIES READINESS INITIATIVE (CRI) AGREEMENT" FOR A TERM PERIOD OF SEPTEMBER 1, 2012 THROUGH AUGUST 31, 2013
(JOE STEWART, FIRE MARSHAL/ OFFICE OF EMERGENCY MANAGEMENT)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 232.12 RESTRUCTURING THE CITIES READINESS INITIATIVE (CRI) COORDINATOR'S POSITION TO ALLOW A TEMPORARY PART-TIME POSITION WITHIN ELLIS COUNTY THROUGH THE LENGTH OF THE CRI PROGRAM CONTRACT #2013-041414, SPECIFICALLY BEGINNING 09/01/2012 AND ENDING 08/31/2013. FUNDS CONNECTED WITH THIS POSITION WILL BE COMPLETELY REIMBURSED BY THE DSHS IN CONJUNCTION WITH THE CRI PROGRAM CONTRACT #2013-041414. *(POSITION FORMERLY CONTRACT SERVICE)*
(JOE STEWART, FIRE MARSHAL/ OFFICE OF EMERGENCY MANAGEMENT)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 233.12 APPROVING A WORK ORDER BETWEEN THE CITY OF GARRETT AND ELLIS COUNTY ROAD AND BRIDGE PCT. 1 TO RESURFACE STREETS.
(DENNIS ROBINSON, COMMISSIONER PCT 1)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 234.12 APPROVING INTERLOCAL CONTRACT AGREEMENT FOR PARKING LOT ROAD WORK WITH ELLIS COUNTY ROAD & BRIDGE, PCT. 3 AND ITALY ISD
(HEATH SIMS, COMMISSIONER PCT 3)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 235.12 APPROVING INTERLOCAL CONTRACT AGREEMENT FOR ROAD WORK WITH ELLIS COUNTY ROAD & BRIDGE, PCT. 3 AND THE CITY OF ITALY
(HEATH SIMS, COMMISSIONER PCT 3)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 236.12 APPROVING THE FY 2012-13 HOLIDAY SCHEDULE
(CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 237.12 APPROVING THE FY 2012-13 PAYROLL SCHEDULE
(CHERYL CHAMBERS, TREASURER)
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 238.12 APPROVING THE FY 2012-13 COMMISSIONERS' COURT SCHEDULE
(CAROL BUSH, COUNTY JUDGE)
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (10:27 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 551.074 OF THE GOVERNMENT CODE, TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE. (HUMAN RESOURCES DIRECTOR)

ADJOURNMENT OF EXECUTIVE SESSION (10:37 AM)

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

ADJOURNMENT

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

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS’ COURT REGULAR MEETING OF AUGUST 13, 2012 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE

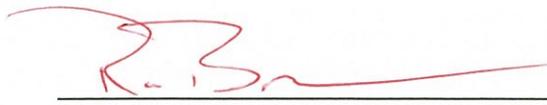


DENNIS ROBINSON, COMMISSIONER PCT 1

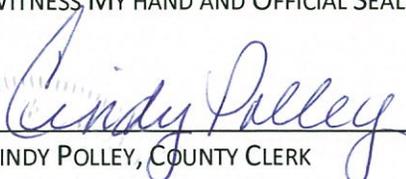


BILL DODSON, COMMISSIONER, PCT 2


HEATH SIMS, COMMISSIONER, PCT 3


RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS SEPTEMBER 10, 2012


CINDY POLLEY, COUNTY CLERK

