

FILED

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // JUNE 27, 2011**

JUL 11 2011

**COUNTY CLERK
ELLIS COUNTY, TEXAS**

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, JUNE 27, 2011 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 BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER HEATH SIMS

CONSENT AGENDA:

MINUTE ORDER NO 235.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 Approval of Regular Bills, Payroll, and Officers' Reports
- A2 Acceptance of the Statement of Cash Receipts and Disbursements for the year ended 12/31/10 for Ellis County Emergency Service Districts #5, 6, and 8; pursuant to Sec. 775.082(b) of the Texas Health and Safety Code.
- A3 Approval of the May, 2011 travel reports of the Texas AgriLife Extension Office
 - Mark Arnold, Agriculture
 - Page Bishop, 4-H
 - Rita Hodges, Family & Consumer Sciences
- A4 Approval to pay all employees, working the Lake Bardwell Security Contract, at 1.5 times their regular rate of pay regardless of holidays, comp days, vacation days or any other time off during the pay period. All funds for the payment of these wages and benefits come from a contract with the Department of the Army, Corp of Engineers.
- A4 Pursuant to Section 291.006 of the Local Government Code, to approve contract for notary services to be performed at the Ellis County Library at no cost to Ellis County

Financial:

- F1 **From** 001-0020-50807, Gen. Misc.; 001-0020-50809, Auto Repair; 001-0020-50704, Pest Control **To** 001-0020-50815, Uniforms; 001-0020-50808, Auto Gas; 001-0020-50703, Telephone. – Keith Roberts, Maintenance
- F2 **From** 001-0180-50802, Equipment **To** 001-0180-50832, Visiting Judge. – Bob Carroll, 40th District Court
- F3 **From** 001-0360-40612, DA Revenue-Title IV-E Legal **To** 001-0360-50502, Co Atty, Asst. /Sec Salary; 001-0360-50553, Co Atty, Social Security. – Patrick Wilson, County & District Attorney
- F4 **From** 001-0360-40096, DA Revenue-State LEOSE payment **To** 001-0360-50805, Co Atty-Conference. – Patrick Wilson, County & District Attorney
- F5 **From** 001-0360-50807, DA General Misc., **To** 001-0360-50802, DA-Equipment. – Patrick Wilson, County & District Attorney
- F6 **From** 001-0370-50804, Postage **To** 001-0370-50601, Travel; 001-0370-50805, Conference. – John Bridges, Tax Assessor/Collector
- F7 **From** 001-0370-50804, Postage **To** 001-0370-50801, Supplies. – John Bridges, Tax Assessor
- F8 **From** 001-0421-50502, Juvenile Detention Salaries (Part-time) **To** 001-0420-50601, Travel Allowance; 001-0420-50835, Education/Training; 001-0420-50845, Juvenile-Service; 001-0420-50878, Juvenile-Residential. – Darrin Ray, Juvenile Services
- F9 **From** 005-0703-50805, Conferences; 005-0703-50807, Gen. Misc.; 005-0703-50819, Computer **To** 005-0703-50910, Gas/Oil. –Heath Sims, RB3
- F10 **From** 006-0754-40008, Interlocal **To** 006-0754-50907, Tires; 006-0754-50915, Asphalt. –Ron Brown, RB4
- F11 **From** 009-0602-50807, FM 1 General Misc. **To** 009-0602-50913, FM 1 Chemicals. – Dennis Robinson, RB1
- F12 **From** 011-0704-50802, Purchase of Equipment; 001-0704-50926, Debt Service **To** 011-0704-50915, Asphalt. – Heath Sims, FM Pct. 3
- F13 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>
Citimortgage	232461	\$4,675.22

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

MINUTE ORDER NO 236.11 APPROVING TWO UNMARKED, DEPARTMENT-SEIZED, "EXEMPT" STATUS VEHICLES TO BE USED BY CONSTABLE'S OFFICE (PCT. 2), AS REQUIRED BY STATE LAW, BEARING REGULAR-TYPE LICENSE REGISTRATIONS, BE UNMARKED/UNDERCOVER VEHICLES FOR INVESTIGATION PURPOSES INCLUDING EMISSIONS ENFORCEMENT:

- 1999 FORD F-150, TXLP AK8-6200, VIN # 1FTRX17W3XNB62396
- 1998 FORD EXPEDITION, TXLP BF8-T267, VIN # 1FMRU18W6WLC36679

Terry Nay, Constable Pct. 2

Motion to approve by Commissioner Robinson, second by Commissioner Dodson approved unanimously

DEPARTMENT OF COUNTY DEVELOPMENT

Consideration and action regarding the following presented by Delton Ake, Director Department of Development:

MINUTE ORDER NO. 237.11 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES RELATING TO THE REQUIREMENT OF 300' ROAD FRONTAGE FOR A PRIVATE WATER WELL WITH AN ON-SITE-SEWAGE FACILITY, BOREN DRIVE, ROGER IHLE, PCT. 2.
Motion to approve by Commissioner Dodson, second by Commissioner Sims carries unanimously

MINUTE ORDER NO 238.11 2.2 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES RELATING TO THE 150' PER LOT ROAD FRONTAGE REQUIREMENT, SOUTHERN HILLS SUBDIVISION, JACKSON STREET, SUE ALLEN, PCT. 4.

.... IN SAME MOTION...

MINUTE ORDER NO. 238(b) 2.3 GRANTING A ONE-TIME VARIANCE FROM COUNTY OF ELLIS RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO THE ONE ACRE PER LOT REQUIREMENT, SOUTHERN HILLS SUBDIVISION, JACKSON STREET, SUE ALLEN, PCT. 4.

MOTION TO APPROVE AGENDA ITEM 2.2 AND 2.30 BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS APPROVED UNANIMOUSLY

PURCHASING

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

MINUTE ORDER NO. 239 DECLARING 100 PLUS USED TIRES LOCATED AT SHERIFF'S STATION TWO TO BE SALVAGE FOR DISPOSAL

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

ADMINISTRATIVE

4.1 **PRESENTATION** BY DAVID QUINN FROM PUBLIC POWER POOL (P3) CONCERNING AN UPDATE OF THE COUNTY'S CONTRACT FOR ENERGY. *HEATH SIMS, COMMISSIONER PCT 3*

NO ACTION 4.2 CONSIDERATION AND ACTION UNDER SECTION 251.010 OF THE TEXAS TRANSPORTATION CODE TO FIND ADEQUATE NECESSITY TO AUTHORIZE KYLE BELLER, A PERSON WHO EITHER OWNS PROPERTY WHICH IS ADJACENT TO HARRINGTON ROAD, OR OWNS PROPERTY NEAR TO HARRINGTON ROAD AFFECTED BY THIS ACTION, OR ACTUALLY OWNS THE PROPERTY ON WHICH HARRINGTON ROAD, A THIRD CLASS ROAD IN PCT. 2 OF ELLIS COUNTY, TEXAS IS LOCATED, TO ERECT, ESTABLISH AND MAINTAIN, AT NO COST TO THE COUNTY, A GATE ACROSS SAID HARRINGTON ROAD WHICH IS INSTALLED TO MEET NOT LESS THAN THE MINIMUM REQUIREMENTS OF SECTION 251.010 OF THE TRANSPORTATION CODE.

- *BILL DODSON, COMMISSIONER PCT. 2*

MINUTE ORDER NO. 240.11 AWARDING THE BANK DEPOSITORY CONTRACT, R.F.A. 2011-001 TO COMERICA BANK FOR THE PERIOD OF AUGUST 1, 2011 TO JULY 31, 2015 AND AUTHORIZING THE COUNTY JUDGE TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS. *CHERYL CHAMBERS, TREASURER*

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

MINUTE ORDER NO. 241.11 AUTHORIZING COUNTY PARTICIPATION IN *TEXAS TERM / TEXAS DAILY* (A LOCAL GOVERNMENT INVESTMENT POOL) AND DESIGNATING MICHAEL S. NAVARRO, COUNTY AUDITOR AND CHERYL CHAMBERS, COUNTY TREASURER AS REPRESENTATIVES. *MIKE NAVARRO, AUDITOR*

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

MINUTE ORDER NO. 242.11 APPROVING THE COUNTY'S BASIC PLAN AND FUNCTIONAL ANNEXES THAT MAKE UP THE "COUNTY'S EMERGENCY OPERATIONS PLAN" AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE ELLIS COUNTY EMERGENCY OPERATIONS BASIC PLAN. THE PLAN COMPLIES WITH GOVERNMENT CODE, CHAPTER 418, SECTION 106, AS AMENDED. THE "BASIC PLAN" OUTLINES AND GIVES GUIDANCE FOR EMERGENCY OPERATIONS WHILE IT DESCRIBES EMERGENCY RESPONSE ORGANIZATION AND ASSIGNS RESPONSIBILITIES FOR VARIOUS EMERGENCY TASKS.
- *JOHN PATTERSON, EMERGENCY MANAGEMENT*
MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

DISCUSSION REGARDING THE SAFETY PRACTICES OF THE ELLIS COUNTY COMMISSIONER PRECINCTS.
CAROL BUSH, COUNTY JUDGE

MINUTE ORDER NO. 243.11 APPROVING A CONTRACT WITH RCC CONSULTANTS, INC. TO ASSIST ELLIS COUNTY IN THE DEVELOPMENT OF TWO-WAY RADIO COMMUNICATION IMPROVEMENTS, INCLUDING NARROW BANDING.
- *CAROL BUSH, COUNTY JUDGE*
MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO. 244.11 APPROVING A WORK ORDER BETWEEN THE CITY OF RED OAK AND ELLIS COUNTY ROAD AND BRIDGE, PCT. 1 FOR IMPROVEMENTS OF A SPECIFIC LOCATION: PRATT ROAD, IN THE AMOUNT OF \$41,000.
DENNIS ROBINSON, COMMISSIONER PCT 1
MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO. 245.11 APPROVING WORK ORDER UNDER INTERLOCAL AGREEMENT BETWEEN CITY OF MILFORD AND ELLIS COUNTY, PCT. 3.
HEATH SIMS, COMMISSIONER PCT 3
MOTION BY APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO. 246.11 APPROVING REDISTRICTING MODEL PLANS 3 AND 7 FOR SUBMISSION TO THE ELLIS COUNTY CITIZEN'S ADVISORY COMMITTEE AND TO PUBLIC HEARING FOR COMMENT
CAROL BUSH, COUNTY JUDGE
MOTION TO SUBMIT PLAN 7 TO THE ADVISORY BOARD BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON;

MOTION TO AMEND BY ADDING PLAN 3C WITH PLAN 7 BY COMMISSIONER DODSON SECOND BY COMMISSIONER SIMS
COMMISSIONERS SIMS AND DODSON VOTE YES IN FAVOR OF AMENDMENT AND COMMISSIONERS BROWN AND ROBINSON AND JUDGE BUSH VOTE NO OPPOSED....MOTION TO AMEND FAILS 3/1;

MOTION TO AMEND ORIGINAL MOTION BY INCLUDING PLAN 3 WITH PLAN 7 BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS ... AMENDMENT CARRIES UNANIMOUSLY

MOTION TO SUBMIT PLANS 3 AND 7 TO THE ADVISORY BOARD AND FOR PUBLIC HEARING BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON WITH COMMISSIONERS ROBINSON, DODSON & BROWN & JUDGE BUSH VOTING YES
COMMISSIONER SIMS VOTES NO....MOTION CARRIES 4/1

RECESS TO CONVENE TO EXECUTIVE SESSION.....7:38 PM
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.....7:48 PM

Motion by Commissioner Brown, second by Commissioner Sims 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 JUNE 27, 2011 ARE HEREBY APPROVED.

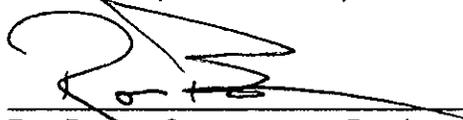
PRESIDING OFFICER:


CAROL BUSH, COUNTY JUDGE

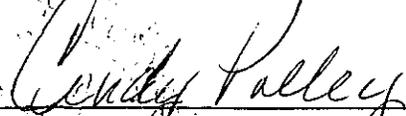

DENNIS ROBINSON, COMMISSIONER PCT 1


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 11, 2011.


CINDY POLLEY, COUNTY CLERK