

**NOTICE OF REGULAR MEETING  
ELLIS COUNTY COMMISSIONERS' COURT**

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, January 26, 2009, at 6:00 P.M., in the Commissioners' Courtroom, 101 West Main Street (2<sup>nd</sup> Floor), Waxahachie, Texas** at which time the following will be discussed and considered, to-wit:

**County Judge:**

Judge Chad Adams

**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, Assistant County Attorney

Lee Auvenshine, Assistant County Attorney

**1. OPENING COURT**

1.1 County Judge will call meeting to order, declare quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

1.2 Motion to Open Court.

1.3 Invocation and Pledge of Allegiance - Commissioner Ron Brown

**2. CONSENT AGENDA – Consideration and Action:**

**Administrative:**

A1 Approval of Regular Bills, Payroll, and Officers' Reports.

A2 Approval of the December 2008 Travel Reports of the Texas Cooperative Extension Office

Mark Arnold, Agriculture

Page Bishop, 4-H

Rita Hodges, Family & Consumer Sciences

A3 Accept certificates of completion for Diana Buckley and Cheryl Zink for the Texas Department of Justice-Community Justice Assistance Division Benefits Coordinator and Reconciliation Training on January 8, 2009 and Certificate of Attendance for Diana Buckley for Office of the Attorney General's 2009 Charitable Hospitals Summit held January 11-12, 2009.

A4 Accept the 2008 Racial Profiling Report from Terry Nay, Constable, Precinct 2.

- A5 Approval to adopt an Order authorizing certain Sheriff's Department vehicles to be exempt from the inscription requirement in the Transportation Code and to appoint Sheriff Johnny Brown, Chief Deputy Dennis Brearley, and Captains Danny Williams and Brad Norman representatives to obtain regular license plates to be used on those exempt vehicles. (Captain Danny Williams)

**Financial:**

- F1 From 001-0000-30302 Fund Balance to 001-0612-50802 Equipment – Chad Adams, County Judge
- F2 From 019-0919-50502 Salary to 019-0919-50686 Contract Labor – Gretchen Kitzman, Law Librarian
- F3 Approve refund of overpayment to the following accounts for payment in error:
- |                            |        |            |
|----------------------------|--------|------------|
| Barnoski, William P & Toni | 150671 | \$3,854.78 |
| Colonial Savings           | 168874 | 3,065.22   |
| 664 Plaza LP               | 236580 | 3,901.34   |
| Wells Fargo Home Mortgage  | 150879 | 4,672.56   |
| Wells Fargo Home Mortgage  | 153939 | 2,840.73   |
| Wells Fargo Home Mortgage  | 175494 | 2,645.11   |

**Simplified Plat:**

- 2.1 McGregor Estates, 4 lots, Jeff McGregor, Pct. 3

**3. ADMINISTRATIVE**

- 3.1 Consideration and action to accept two resolutions recognizing two Ellis County citizens for their accomplishments.
- Heath Sims, Commissioner, Pct. 3
- 3.2 Introduction of the new executive director of the North Texas Behavioral Health Authority (formerly DANSA), Waxahachie resident, Alex Smith.
- Mackie Owens, NTBHA Board Member for Ellis County
- 3.3 Presentation from Kelly Echard, planning coordinator with the Hope Clinic, regarding her work on a community needs assessment.
- Chad Adams, County Judge
- 3.4 Consideration and action to approve a Work Order under Interlocal Agreement between County of Ellis and the City of Alma for grading of Toth Road in the City of Alma from Alma Drive to the city limits, approximately 0.6 miles at an estimated cost of \$300.00.
- Bill Dodson, Commissioner, Pct. 2
- 3.5 Consideration and action to declare a Burn Ban for Ellis County (welding allowed).
- Jim Pharr, Fire Marshall Investigator

3.6 Consideration and action to appoint the following individuals to Ellis County Emergency Service District Boards to serve a regular two-year term, effective January 26, 2009 through December 31, 2010:

- Red Oak ESD #4      Jerry Smith
- Ferris ESD #5      Gerald Tyler
- Dennis Robinson, Commissioner, Pct. 1
- Ron Brown, Commissioner, Pct. 4
- Holly Davis, Special Projects Director

3.7 Consideration and action to approve the establishment of the Midway Airport Joint Zoning Board with the City of Midlothian and the City of Waxahachie and appoint Ray Brindle and Dave Wheeler to the Board.

- Barbra Leftwich, County Planner

#### **4. ENGINEERING**

**Consideration and action regarding the following presented by Joe White, County Engineer:**

4.1 To utilize the Competitive Sealed Proposal Procurement Method, as outlined in the Local Government Code section 271.116, to provide construction services for the Ellis County Sub-courthouse located in Ennis.

4.2 To confirm members of a technical group to evaluate the Construction Services sealed proposals.

4.3 To contract with Terracon for inspection services of construction materials for the Ellis County Sub-courthouse located in Ennis.

4.4 To select Electra Link as the lowest qualified responder for low voltage structured cabling associated with the Bond Program. Cost not to exceed \$335,000.

4.5 Progress report on Bond Program construction projects.

#### **5. DEPARTMENT OF COUNTY DEVELOPMENT**

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

5.1 To grant a variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to lot size for Tom McLemore, Spring Creek Crossing, Lots 6 & 7, Carriage Drive, Pct. 2

5.2 To grant a variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to fire hydrant requirement for Tom McLemore, Spring Creek Crossing, Lots 6 & 7, Carriage Drive, Pct. 2

- 5.3 To grant a variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to road frontage requirement for Tom McLemore, Spring Creek Crossing, Lot 6, Carriage Drive, Pct. 2
- 5.4 To grant a variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Home Parks as it relates to lot size for Sandra Clark, Hugh McDaniel Addition, Lot 3, Block 2, Spring Branch Road, Pct. 4

**6. RECESS TO CONVENE TO EXECUTIVE SESSION**

**7. 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 §551.071, 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 §551.071.”

- 7.1 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”.

**8. ADJOURNMENT OF EXECUTIVE SESSION**

**9. ADJOURNMENT**

Signed this the 22nd day of January, 2009.

\_\_\_\_\_  
Chad Adams  
Ellis County Judge

I, the undersigned, County Clerk of the Ellis County Commissioners Court do hereby certify that the above Notice of Regular Meeting of the Ellis County Commissioners Court is a true and correct copy of said Notice, that I received said Notice, and it was posted at the doors of the Ellis County Courthouse, a place readily accessible to the general public at all times on the 22nd day of January, 2009, at \_\_\_\_\_ a.m./p.m.

Cindy Polley, County Clerk

By \_\_\_\_\_  
Deputy

The Commissioners Court reserves the right to consider and take action on the above agenda items in any particular order. Anyone wishing to address the Commissioners Court concerning a posted agenda item must make a formal request by presenting a "Participation Form" to the County Clerk at least 10 minutes prior to the beginning of the meeting. If you or your representative, have a disability that requires special arrangements and you plan to attend this public meeting, please contact the County Judge's Office at (972) 825-5011 within 72 hours of the meeting. Reasonable accommodations will be made to meet your needs at the meeting.