

FILED FOR RECORDS  
CINDY POLLEY  
ELLIS COUNTY CLERK

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

ORIGINAL

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, December 28, 2009 at 10:00 A.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 Carol Bush

**Commissioners:**

- Dennis Robinson, Commissioner, Pct. 1
- Bill Dodson, Commissioner, Pct. 2
- Heath Sims, Commissioner, Pct. 3
- Ron Brown, Commissioner, Pct. 4

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**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 Bill Dodson

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

**Administrative:**

- A1 Approval of Regular Bills, Payroll, and Officers' Reports
- A2 Approval of the November 2009 Travel Reports of the Texas Cooperative Extension Office
  - Mark Arnold, Agriculture
  - Page Bishop, 4-H
  - Rita Hodges, Family & Consumer Sciences
- A3 To approve and ratify the reserve Deputy Constable appointment of Mark Smith for Constable Precinct 1. (Ben Fry)
- A4 To approve the necessary bond for Bill Dodson Commissioner, Pct. 2, effective January 1, 2010.
- A5 Approval to adopt an amended order to place the following vehicle on the list of authorized vehicles that are allowed to display regular exempt plates: UNIT #110: 2002 GMC Pickup VIN# 1GTEC14W0YZ257796 (Chuck Laubach)
- A6 To accept an Award Certificate for Judy Burden for the successful completion of the requirements of a County Investment Officer (CIO).

**Financial:**

- F1 From 031-0931-50807 DA Drug Forf-Gen Misc. to 031-0931-50802 DA Drug Forf-Equipment – Joe Grubbs, District Attorney
- F2 From 001-0375-50933 Consultant to 001-0375-50819 Computer - Joe White, Engineering
- F3 Approve refund of overpayment to the following for payment in error (John Bridges):
- |                         |                |            |
|-------------------------|----------------|------------|
| Sun Trust Mortgage, Inc | Acct. # 225229 | \$6,127.56 |
| National City Mortgage  | Acct. # 233429 | \$6,052.37 |
| HSBC                    | Acct. # 209651 | \$3,655.79 |
- F4 From 001-0035-50801 Supplies to 001-0035-50805 Conference – Teral Crawford, MIS-Auditor
- F5 From 004-0652-30302 Fund Balance Carryover to 004-0652-50912 Bridge Repair – Bill Dodson, Commissioner, Pct. 2

**3. ADMINISTRATIVE**

- 3.1 Consideration and action to re-appoint Randy Cox, Charles Morton, Joe Pitts, Calvin Reeves and Elmo Wade to the Board of Directors of the Ellis County Rural Rail Transportation District for the term October 1, 2009 through September 30, 2011.
- Carol Bush, County Judge
- 3.2 Consideration and action to approve a contract with the Ellis County SPCA for Animal Control and Shelter Services.
- Bill Dodson, Commissioner, Pct. 2
- 3.3 Consideration and action as may be appropriate to authorize the County Judge to execute a Tax Resale Deed between Ellis County, Trustee for itself and on behalf of Midlothian Independent School District to Sheila K Barefoot, for property acquired by tax foreclosure located in Ellis County, Texas, Lot 144, Buffalo Hills Subdivision, Phase II according to map or plat thereof, recorded in Cabinet 'B', Slide 147, Map Records of Ellis County, Texas (148415) for the amount of \$7,840.41. Taxes due to Ellis County and Midlothian Independent School District are \$5,840.56.
- Holly Davis, Special Projects Director
- 3.4 Consideration and action to accept the resignations of the following individuals from Ellis County Emergency Service Boards, effective December 31, 2009:
- |                   |                                  |
|-------------------|----------------------------------|
| Midlothian ESD #2 | Frank Hazzard, Ronnie Russell    |
| Red Oak ESD #4    | Dan Keller                       |
| Ferris ESD #5     | Eddie Miner                      |
| Waxahachie ESD #6 | James Self                       |
| Bristol ESD # 7   | Billy Tom Fulton, Ricky Sparkman |
| Palmer ESD #9     | Kenny Caldwell                   |
- Holly Davis, Special Projects Director

- 3.5 Consideration and action regarding the reappointment of the following individuals to the Ellis County Emergency Service District Boards. The appointees are to be reappointed to serve two-year terms effective January 1, 2010 through December 31, 2011:

Maypearl ESD #1 Don Frisbee, Garry Harris, Norquist Wade  
Midlothian ESD #2 Tom Manning  
Italy ESD #3 Jackie Dwayne Cate  
Red Oak ESD #4 Andy Lancaster, Ernie Martinek  
Ferris ESD #5 Paul W. Jones  
Waxahachie ESD #6 Jimmy Roy  
Avalon ESD #8 Julie Hastings, Teaner Johnson, Sadie Tellez  
- Holly Davis, Special Projects Director

- 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 1, 2010 through December 31, 2011:

Midlothian ESD #2 Danny D. Long, Ray Reed  
Waxahachie ESD #6 Wayne Ballard  
Bristol ESD #7 Darryl McGee, Don Weldon  
- Holly Davis, Special Projects Director

- 3.7 Consideration and action to approve an amendment to the tax abatement agreement between Ellis County and Austin Bridge & Road to delay the start of the tax abatement period from January 1, 2010 to January 1, 2011.

- Holly Davis, Special Projects Director

- 3.8 Consideration and action to approve Amendment #3 to the agreement between Ellis County and the Texas Commission on Environmental Quality (TCEQ) for funding for 2010 for the Local Initiative Project (LIP) grant which Ellis County is using in the Ellis County Emissions Enforcement Program. The grant amount for 2010 is \$46,476.38 and the county match is 25% (\$11,619.10). The grant application was approved in Commissioners' Court on November 9, 2009.

- Holly Davis, Special Projects Director

#### 4. **ENGINEERING**

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

- 4.1 To approve Rodman Companies Inc. of Frisco, Texas to provide a rate per square yard for lime stabilization of the parking area associated with the new Adult Probation Building. Cost not to exceed \$7,000.
- 4.2 To approve Cap-Form Inc. of Carrollton, Texas to provide a rate per square foot for providing and/or placing concrete parking area, curbs and walkways associated with the new Adult Probation Building. Cost not to exceed \$24,000.

#### 5. **RECESS TO CONVENE TO EXECUTIVE SESSION**

6. **EXECUTIVE SESSION**

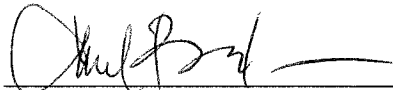
“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.072, or to seek the advice 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 §551.072.”

6.1 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”.

7. **ADJOURNMENT OF EXECUTIVE SESSION**

8. **ADJOURNMENT**

Signed this the 22<sup>nd</sup> day of December, 2009.

  
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Carol Bush  
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 22<sup>nd</sup> day of December, 2009, at 3:35 ~~a.m.~~/p.m.

Cindy Polley, County Clerk

By Jina Chambers  
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.