

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

COPY

Notice is hereby given that a regular meeting of the Ellis County Commissioners' Court will be held on **Monday, April 26, 2010 at 6:00 P.M., in the Commissioners' Courtroom, 101 West Main Street (2nd 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

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 March 2010 Travel Reports of the Texas Cooperative Extension Office
 - Mark Arnold, Agriculture
 - Page Bishop, 4-H
 - Rita Hodges, Family & Consumer Sciences

Financial:

- F1 From 006-0754-30302 Fund Balance to 006-0754-50868 Contract Labor – Ron Brown, Pct. 4
- F2 From 012-0755-30302 Fund Balance to 012-0755-50910 Gas/Oil, 012-0755-50911 Gravel – Ron Brown, Pct. 4
- F3 From 031-0931-40928 Auction Proceeds to 031-0931-50802 Drug Fort Equipment - Joe Grubbs, District Attorney
- F4 From 001-0180-50802 Equipment to 001-0180-50805 Conference – Gene Knize, 40th District Court

POSTED
4-23-10

CINDY POLLEY
COUNTY CLERK

2010 APR 23 AM 9:31

- F5 Approve refund of overpayment to the following for payment in error (John Bridges):
- | <u>Refund to be issued to:</u> | <u>Account</u> | <u>Amount Due</u> |
|------------------------------------|----------------|-------------------|
| Joseph Hack | 148232 | \$2,494.60 |
| First American Real Estate Service | 154581 | \$3,033.55 |
- F6 From 001-0520-50801 Supplies, 001-0520-50602 Staff Travel to 001-0520-50806 Bonds, 001-0520-50805 Conference – Jackie Miller, Jr. JP2
- F7 From 001-0140-50694 Appreciation Dinner to 001-0150-50801 Supplies – Carol Bush, County Judge

3. ADMINISTRATIVE

- 3.1 Consideration and action to proclaim April, 2010 as Child Abuse Awareness and Prevention Month in Ellis County
- Carol Bush, County Judge
- 3.2 Consideration and action to appoint Raymond C. Miner to the board of Ferris Emergency Service District #5. Mr. Miner's term will run through December 2011 and he will be eligible for reappointment at that time.
- Dennis Robinson, Commissioner, Pct. 1
- 3.3 Discussion on tree trimming on the right of way on county roads.
- Carol Bush, County Judge
- 3.4 Discussion and update on the Ellis County energy contract with the Public Power Pool (P3), presented by David Quin of P3.
- Heath Sims, Commissioner, Pct. 3
- 3.5 To accept a certificate from State Representative Jim Pitts recognizing that Ellis County received the Industry of the Year Award form the Waxahachie Chamber of Commerce.
- Carol Bush, County Judge
- 3.6 Consideration and action to convey by Quitclaim Deed the following tax sale "struck off" properties to the City of Waxahachie:
- a) 0.1159 acre, more or less, being a portion of Lot 3, block 106, City of Waxahachie, Ellis County, Texas, as described in deed dated April 24, 1980 from Mary Halley to I. V. Woods, recorded in Volume 643, Page 669, Deed Records of Ellis County, Texas (171124);
 - b) Lot 4, block 106, Town Addition, City of Waxahachie, Ellis County, Texas, as described in deed dated July 7, 1936, from Martha Gowan to Harvey Edwards, et al, recorded in Volume 326, Page 357, Deed Records of Ellis County, Texas, (171125);
 - c) 0.223 acre, more or less, situated in Lot 9, Block 106 and in Lot 7, block 158, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, as described in deed dated November 10, 1973 from Dorothy Mergerson, et al to Gloria Faye Cumby in Volume 557, Page 262, Deed Records of Ellis County, Texas (171112);
 - d) Lot 8, Block 106, Town Addition, an addition to the City of Waxahachie, Ellis County, Texas, as described in Volume 755, page 372, Deed Records of Ellis County, Texas (171119).
- Kevin Chester, Linebarger Googan Blair & Sampson, LLP

- 3.7 Consideration and action to accept a donation of miscellaneous road construction materials from J.C. Evans Construction Company to Ellis County Road and Bridge Precinct No. 2.
 - Bill Dodson, Commissioner, Pct. 2
- 3.8 Consideration and action to authorize an agreement between Ellis County and J. C. Evans Construction Company concerning the use of approximately 4.4 miles of Ensign Road, a county road which is wholly located within Ellis County Road and Bridge Precinct No. 2, during a project to improve U.S. Hwy. 287. The agreement addresses the possible destruction and necessary repairs to Ensign Road.
 - Bill Dodson, Commissioner, Pct. 2
- 3.9 Consideration and action to authorize the county to enter into a contract with Freese and Nichols to provide dam breach assessment on six (6) flood control dams throughout the county. The findings of these studies will be used to prepare the Emergency Action Plans for each dam as deemed necessary by the TCEQ (Texas Commission on Environmental Quality) and the NRCS (National Resource Conservation Service).
 - John Patterson, Emergency Management Coordinator
 - David Ridgeway, Assistant County Engineer
- 3.10 Consideration and action as may be appropriate to set the spending limit of the following three offices as required by Local Government Code 130.908:
 a) Justice of the Peace, Precinct Four
 b) County Treasurer
 c) County Court at Law Number One
 - Mike Navarro, Auditor
- 3.11 Consideration and action to ratify an amended arbitration agreement authorizing a continuance of Cause No. 71-181-00458-08; *City of Midlothian and County of Ellis vs. Kehe Foods*, presently pending before the American Arbitration Association.
 - Lee Auvenshine, Assistant County and District Attorney

4. PURCHASING

Consideration and action regarding the following presented by Richard Denniston, Purchasing Agent:

- 4.1 To declare the following items as surplus from Road and Bridge Precinct 2 and authorize disposal at auction: one (1) 1999 Ford F250 ¾ ton pickup, one (1) 1995 Chevrolet 1500 pickup, one (1) 2009 Long Wheel Base Truck Bed from Chevrolet 2500 (new), one (1) pipe and ladder rack for utility truck bed.
- 4.2 To approve the contract (contingent upon DA's office approval of Terms and Conditions) to replace old sprinkler heads in the County Jail with newer tamper proof versions. The contract will be to Simplex Grinnell in the amount of \$24,568 with \$5,000 for any change orders approved by the County Engineer. Total= \$29,568.

5 RECESS TO CONVENE TO EXECUTIVE SESSION

6. EXECUTIVE SESSION

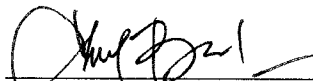
“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.071, or to seek the advice 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.”

6.1 Pursuant to Section 551.071 of the Texas Government Code, confidential deliberation with legal counsel regarding Cause No. 71-181-00458-08; *City of Midlothian and County of Ellis vs. Kehe Foods*, presently pending before the American Arbitration Association.

7. ADJOURNMENT OF EXECUTIVE SESSION

8. ADJOURNMENT

Signed this the ___ day of April, 2010.



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 23 day of April, 2010, at 9:31 a.m./p.m.

Cindy Polley, County Clerk

By Sue Beggs
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.