

**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, July 14, 2008 at 10:00 A.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 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 Heath Sims

2. CONSENT AGENDA – Consideration and Action:

Administrative:

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

A2 Acceptance of an anonymous donation to the Jury Fund to underwrite juror meals, received on June 26, 2008, to be used to reimburse the jury meal line item (5-017-0010-0655).

A3 Acceptance of Continuing Education Certificates for Judy Burden for completion of 19 hours of continuing education, and 4 hours of investment training pursuant to the Public Funds Investment Act and participation in the 36th Annual County Treasurers' Continuing Education Seminar April 14-17, 2008.

Financial:

F1 From 5-001-0360-0805 Conference, 5-001-0360-0801 Supplies to 5-001-0360-0833 Court Reporting, 5-001-0360-0846 Witness Fee – Joe Grubbs, District Attorney

F2 From 5-005-0703-0906 Culverts, 5-005-0703-0912 Bridge Repairs to 5-005-0703-0913 Chemicals, 5-005-0703-0902 Gas/Oil – Heath Sims, Commissioner, Pct. 3

F3 From 5-001-0611-0805 Conference to 5-001-0611-0809 Auto Repair – Ben Fry, Constable, Pct. 1

F4 From 5-010-0652-0905 Hdw/Tools to 5-010-0652-0914 Signs – Bill Dodson Commissioner, Pct. 2

F5 From 5-001-0360-0805 Conference to 5-001-0360-0833 court Reporting, 5-001-0360-0807 Gen – Joe Grubbs, District Attorney

Misc

F6 To authorize a refund for overpayment of property taxes to Aurora Reyes Account #217415 in the amount of \$3,031.47 – John Bridges, Tax Assessor/Collector

F7 From 5-004-0652-0911 General Exp to 5-004-0652-0924 Soil Conservation – Bill Dodson, Pct. 2

F8 From 3-010-000-0302 FM Fund Balance Carryover to 5-010-0652-0907 Tires – Bill Dodson, 1

- Commissioner, Pct. 2
- F9 From 3-010-000-0302 FM Fund Balance Carryover to 5-010-0652-0902 Gas, 5-010-0652-0913 Chemicals - Bill Dodson, Commissioner, Pct. 2
- F10 From 5-001-0425-0819 Computer, 5-001-0425-0873 Maint/RPS to 5-001-0425-0808 Gas, 5-001-0425-0803 Furniture, 5-001-0425-0802 Equipment, 5-001-0425-0801 Supplies – Diana Buckley, Human Services

Simplified Plat:

- 2.1 Wimbish Homeplace Addition, 1 lot, Gary Wimbish, Pct. 3.

3. ADMINISTRATIVE

- 3.1 Consideration and action to approve a proclamation congratulating Helping Hands of Ennis on their 20th Anniversary.
- Bill Dodson, Commissioner, Pct.2
- 3.2 Consideration and action to approve an increase to the county mileage reimbursement from 50.5 cents per mile to 58.5 cents per mile in accordance with changes made by the Internal Revenue Service, effective July 15, 2008.
- Holly Davis, Special Projects Director
- 3.3 Consideration and action to authorize the purchasing agent to obtain bids for a vehicle to be used in the Emissions Enforcement Program, pending approval of the grant from TCEQ.
- Holly Davis, Special Projects Director
- 3.4 Consideration and action to approve an invoice for \$970.00 from Benavides Cabinet Shop for construction outside the scope of the original contract for work done at the tax office location in Midlothian.
- John Bridges, Tax Assessor/Collector
- EEOC 3.5 Consideration and action to ratify decision to retain Attorney Bettye Lynn as counsel regarding claim filed by Tondra L. Roberts, and approve payment of a portion of attorney’s fees pursuant to the terms of our liability insurance coverage.
- Diana Buckley, Director, Human Services
- 3.6 Consideration and action to approve the Presiding Judges and Alternate Judges for a two-year term beginning on August 1, 2008 through July 31, 2010 as submitted by the Democratic and Republican Chairs.
- Jane Anderson, Election Administrator
- 3.7 Consideration and action to approve a one (1) year Mechanical Service Agreement with Metroplex Office Systems for the Kardex Lektriever model LKS80M located in the Elections Office at 106 S. Monroe St., Waxahachie, TX.
- Jane Anderson, Election Administrator
- 3.8 Consideration and action to approve a Work Order under Interlocal Agreement between the County of Ellis and the City of Garrett to reclaim, roll and seal 684 feet on Wyatt Street in the City of Garrett for an estimated cost of \$1,627.48.
- Bill Dodson, Commissioner, Pct. 2
- 3.9 Consideration and action to declare a Burn Ban for Ellis County (welding allowed).

- Jim Pharr, Fire Marshall Investigator

3.10 Consideration and action to issue payment to Wray and Willett, PLLC in the amount of \$3,526.00, pursuant to invoice pertaining to legal services performed on behalf of the Ellis Prairie Soil and Water Conservation District in opposition to a petition seeking to create the Maypearl Water Control and Improvement District, in a matter pending before the Texas Commission for Environmental Quality and the State Office of Administrative Hearings.

- Lee Auvenshine, Assistant County and District Attorney

3.11 Consideration and action to authorize Commissioner Ron Brown to execute agreement authorizing Ellis County to enter into non-binding arbitration with the City of Midlothian against Kehe Food Distributors, Inc., and its successors and assigns, to attempt to resolve legal action concerning Kehe's breach of a tax abatement agreement entered into by all parties.

- Lee Auvenshine, Assistant County and District Attorney

3.12 Consideration and action to approve the contract between Balfour Beatty and Ellis County for General Contracting Services for the Courts, Parking Garage and Jail Addition.

- Joe White, County Engineer

- Jon Vidaurri, Staubach Company

3.13 Consideration and action to approve the contract between Stravis Technology and Ellis County for Technology Consulting and Design for the Courts, Parking Garage and Jail Addition.

- Joe White, County Engineer

- Jon Vidaurri, Staubach Company

4. DEPARTMENT OF COUNTY DEVELOPMENT

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

4.1 Final Plat – Greathouse Circle, 5 lots, Rodney Green, Pct. 3.

4.2 To grant a variance to County of Ellis Rules, Regulations and Specifications for Subdivisions and Manufactured Homes as it relates to one useable acre for one on-site-sewage facility for a single family residence, Jerald Beck, Pct. 1.

4.3 To change Item 2 of the “Resolution concerning Utility and Communication lines in County Right-of-Way” to read:

“Item 2- All below ground level utilities such as water, phone, cable and electric shall be buried at a minimum depth of 48” at the lowest point of the ditch line. At the discretion of Commissioner of said Precinct a deeper depth may be required.

Transmission pipelines crossing under County road ways will be required to be a minimum depth of 72” at the lowest point of the ditch line.”

5. PURCHASING

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

5.1 To award the bid for removal of asbestos and lead-based paint from the Ellis County 1929 Jail to MAS-D Environmental Associates for \$58,497. (with Joe White)

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, §551.072, §551.074 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, §551.072, §551.074.”

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 10th day of July, 2008.

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 10th day of July, 2008, at _____ a.m./p.m.

Cindy Polley, County Clerk

By _____

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.