

**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, November 10, 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 the 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 Accept certificates of completion for Lisa Axelson, Diana Buckley, Donna Evenden, Joe Jimenez, Judy Robertson, Pheadra Vickers and Cheryl Zink for the Exceptional Customer Service training by Fred Pryor Seminars on October 24, 2008.

A3 Approval a Proclamation encouraging recycling and energy conservation.

A4 To approve the transfer of an employee in R&B 4 from Road Worker IV to Mechanic (vacant position), increasing his pay to \$13.50/hour and to approve the transfer of another employee in R&B 4 from Road Worker III to Road Worker IV (vacated above), increasing his pay rate to \$12.50/hour.

Financial:

F1 From 005-0703-50553 Social Security, 005-0703-50807 Gen Misc, 005-0703-50868 Contract Labor to 005-0703-50502 Wages – Heath Sims, Commissioner, Pct. 3

- F2 From 001-0540-50873, Maint/Rps, 001-0540-50602 Staff Travel, 001-0540-50802 Equipment to 001-0540-50805 Conference – Linda Sibley, JP Pct. 4
- F3 From 001-0000-30302 Fund Balance to 001-0230-50819 Computer – Chad Adams, County Judge
- F4 From 001-0320-50502 Deputies Salary to 001-0320-50601 Travel, 001-0320-50801 Supplies, 001-0320-50806 Official Bond/Dues, 001-0320-50885 Sales Tax – Cindy Polley, County Clerk
- F5 From 019-0919-50807 General Expense, 019-0919-50803 Furniture, 019-0919-50802 Equipment, 019-0919-50799 Copies, 019-0919-50601 Travel, 019-0919-50502 Salaries, 019-0919-50505 Longevity, 019-0919-50553 Social Security, 019-0919-50554 Retirement, 019-0919-30302 Fund Balance to 019-0919-50882 Books – Leanne Brindle, Law Library
- F6 From 006-0754-40008 Interlocal to 006-0754-50868 Contract Labor – Ron Brown, Commissioner, Pct. 4
- F7 Refund for overpayments to Litton Loan Servicing LP for Account #167468 in the amount of \$2,662.04 – John Bridges, Tax Assessor/Collector
- F8 From 001-0020-50703 telephone to 01-0020-50716 courthouse Repairs – Keith Roberts, Maintenance

3. ADMINISTRATIVE

- 3.1 Consideration and action to adopt the prima facie maximum speed limit of 30 miles per hour, as adopted by the State of Texas within Section 545.352 of the Texas Transportation Code, throughout all portions of Jennifer and Deerfield Roads which are located within the unincorporated area of Ellis County as said portions of county roadway are wholly located within an urban district as that term is defined by Section 545.352(d)(2) of the Texas Transportation Code.
 - Ron Brown, Commissioner, Pct. 4
- 3.2 Consideration and action to install two stop signs on Jennifer Road at its intersection with Deerfield Road, making said intersection a three-way stop, to protect the public safety pursuant to Section 251.155(c) of the Texas Transportation Code.
 - Ron Brown, Commissioner, Pct. 4
- 3.3 Consideration and action to adopt the prima facie maximum speed limit of 30 miles per hour, as adopted by the State of Texas within Section 545.352 of the Texas Transportation Code, throughout all portions of St. Paul Road which are located within the unincorporated area of Ellis County as said portions of county roadway are wholly located within an urban district as that term is defined by Section 545.352(d)(2) of the Texas Transportation Code.
 - Ron Brown, Commissioner, Pct. 4
- 3.4 Consideration and action to approve the Third Addendum to the Ellis County SPCA contract effective January 1, 2009.
 - Dennis Robinson, Commissioner, Pct. 1
- 3.5 Consideration and action to approve the formation of the Ellis County Emergency Management and Response Advisory Committee; this will be a technical and advisory board for the Ellis County Office of Emergency Management and the Ellis County Commissioners' Court on issues related to emergency management and emergency response.
 - John Patterson, Emergency Management

- 3.6 Consideration and action to approve amending the 2009 Local Initiative Project Grant from the Texas Commission on Environmental Quality (TCEQ) in order to utilize the total amount of money available to Ellis County.
- Holly Davis, Special Projects Director
- 3.7 Consideration and action to support the creation of a Groundwater Conservation District as an alternative to the state mandated Priority Groundwater Management Area (PGMA) established by the Texas Commission on Environmental Quality (TCEQ).
- Holly Davis, Special Projects Director
- 3.8 Consideration and action as necessary to retain Brian Sledge to represent Ellis County in the formation of a groundwater conservation district in accordance with Section 59, Article XVI of the Texas Constitution and Chapter 36 of the Texas Water Code
- Holly Davis, Special Projects Director
- 3.9 Consideration and action to request the City of Ennis to formally abandon an old 12 inch Sanitary Sewer easement which runs generally east and west across the 3.971 acre tract planned for the Ellis County Ennis Sub Courthouse and further requesting the City of Ennis to execute a formal “Notice of Abandonment” or similar document which may be filed of record permanently removing such easement from the official records.
- Joe Grubbs, County and District Attorney
- 3.10 Consideration and action to approve and have each member of the Court, in its position as the owner of the subject property, execute an Owner’s Certificate on a proposed Simple Plat for the location and construction of the Ellis County Ennis Sub Courthouse, dedicating, to the extent required by the City of Ennis, the 3.971 acres on Sonoma Trail within the City of Ennis for a Simple one lot Plat within the city limits of the City of Ennis.
- Joe Grubbs, County and District Attorney
- 3.11 Presentation on the Ellis County Employee Health Fair and new Health and Safety Initiatives.
- Diana Buckley, Human Services.
- 3.12 Consideration and action to approve an amendment to Balfour Beatty’s contract to establish the guaranteed maximum price for constructing the courts building and jail addition in an amount not to exceed the allocated amount bond budget.
- Joe White, County Engineer
 - Jon Vidaurri, Jones Lang LaSalle
- 3.13 Consideration and action to approve Terracon Consultants Inc. to provide geotechnical services for the construction and testing portion of the bond program. Cost not to exceed the allocated amount in the bond budget.
- Joe White, County Engineer
 - Jon Vidaurri, Jones Lang LaSalle

- 3.14 Consideration and action to approve professional services of MAS-D Environmental & Associates, Inc. to perform an asbestos and environmental survey on the existing jail as required by the Texas Department of Health for preparation of new construction and remodeling.
 - Joe White, County Engineer
 - Jon Vidaurri, Jones Lang LaSalle
- 3.15 Consideration and action to approve Bob's Fence Company to construct, replace and modify fence and gates associated with the bond program. Cost not to exceed \$9,500.
 - Joe White, County Engineer
- 3.16 Consideration and action to cancel the existing lease and substitute a new five year lease with Marty Zmolik for the Ellis County Adult Probation Department in Ennis, Texas, at a monthly rental cost of \$2,250, with an initial renovation and finish out cost payable to the landlord not to exceed \$31,500 on the newly leased premises.
 - Joe White, County Engineer
 - Alfred Mims, Community Supervision and Correction

4. DEPARTMENT OF COUNTY DEVELOPMENT

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

- 4.1 To grant a one- time variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Mobil Home Parks as it relates to lot size requirement, Marciano Romero, Pct. 1.
- 4.2 To grant a one-time variance from County of Ellis Rules, Regulations and Specifications for Subdivisions and Mobil Home Parks as it relates to fire hydrant requirement, Marciano Romero, Pct. 1.
- 4.3 To grant a one-time variance from Ellis County 50' set-back rule for an existing vehicle storage facility, Joseph Glenn Short, Pct. 1.

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 6th day of November, 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 6th day of November, 2008, 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.