

2009 SEP 24 PM 3:13

FILED FOR RECORD  
CINDY POLLEY  
ELLIS COUNTY CLERK

ORIGINAL

**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, September 28, 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 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

**COPY**

**POSTED**

**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 August 2009 Travel Reports of the Texas Cooperative Extension Office  
Mark Arnold, Agriculture  
Page Bishop, 4-H  
Rita Hodges, Family & Consumer Sciences
- A3 Accept FEMA Certificate of Achievement for FEMA Emergency Management Institute ICS-100 Introduction to the Incident Command System for Lisa Axelson.
- A4 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 Deputies Dennis Brearley and Charles Sullins, and Captains Chuck Laubach and Brad Norman representatives to obtain regular license plates to be used on those exempt vehicles. (Captain Chuck Laubach)
- A5 Approval to issue payment to Wray and Willett, PLLC in the amount of \$1,000, 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 formerly pending before the Texas Commission for Environmental Quality and currently before the 98<sup>th</sup> Judicial District Court of Travis County, Texas, in Cause No. D-1-GN-09-002265.

**Financial:**

- F1 From 005-0703-30301 Fund Balance to 005-0703-50915 Asphalt – Heath Sims, Commissioner, Pct. 3
- F2 From 005-0703-50911 Gravel to 005-0703-50930 ROW Purchase – Heath Sims, Commissioner, Pct. 3
- F3 From 001-0612-50703 Telephone, 001-0612-50809 Auto Repair to 001-0612-50819 Computer – Terry Nay, Constable, Pct. 2
- F4 From 004-0652-30301 Fund Balance to 004-0652-50915 Asphalt – Bill Dodson, Commissioner, Pct. 2
- F5 From 030-0930-40820 Ck Process Rev-LEOSE Training to 030-0930-50835 Ck Proc-Training/CLE – Joe Grubbs, County & District Attorney
- F6 From 009-0602 50807 Gen Expense to 009-0602-50962 Lubricants, 009-0602-50909 Repairs/Parts, 009-0602-50910 Fuel – Dennis Robinson, Commissioner, Pct. 1
- F7 From 001-0520-50873 Maint/Repair, 001-0520-50874 Docket Books, 001-0520-50601 Travel to 001-0520-50805 Conference, 001-0520-50801 Supplies, 001-0520-50804 Postage – Jackie Miller, Jr. JP Pct. 2
- F8 005-0703-50910 Gas/Oil, 001-0703-50911 Gravel to 005-0703-50701 Utilities, 005-0703-50930 ROW Purchase – Heath Sims, Commissioner, Pct. 4
- F9 From 001-0320-50801 Supplies to 001-0320-50703 Telephone – Cindy Polley, County Clerk
- F10 From 005-0703-50915 Asphalt to 005-0703-50911 Gravel – Heath Sims, Commissioner, Pct. 3
- F11 From 011 0704-50906 Culverts, 011-0704-50907 Tires, 011-0704-50918 Hardware to 011-0704-50807 Gen Misc. – Heath Sims, Commissioner, Pct. 3
- F12 From 001-0140-50558 Contingency to 001-0230-50890 County Supply Room – Carol Bush, County Judge
- F13 From 001-0375-50805 Conference, 001-0375-50933 Consultant to 001-0375-50801 Supplies – Joe White, County Engineer
- F14 From 001-0370+50804 Postage to 001-0370-50801 Supplies – John Bridges, Tax Office
- F15 From 001-0060-50601Supplies, 001-0060-50805 Conference, 001-0060-50808 Gas, 001-0060-50802 Equipment, 001-0060-50801 Supplies to 001-0060-50819 Computer – Delton Ake, Department of Development

**3. ADMINISTRATIVE**

- 3.1 Consideration and action to approve a Proclamation declaring the month of October, 2009, as Czech Heritage Month in Ellis County.
  - Bill Dodson, Commissioner, Pct. 2
- 3.2 Recognition of a Certificate of Compliance for the Ellis County Detention Center inspection.
  - Carol Bush, County Judge

- 3.3 Consideration and action to approve a Resolution in support of the Meals-on-Wheels of Johnson & Ellis County applying for a grant from the Texas Department of Agriculture Home-Delivered Meal Grant Program.
- Diana Buckley, Human Services
- 3.4 Consideration and action to appoint Mr. Jerry Crawford to Emergency Service District #6 Board, effective immediately, to serve out the unexpired term of Mr. Jack Dineen. Mr. Crawford's term will expire on December 31, 2010 and he will be eligible for reappointment at that time.
- Bill Dodson, Commissioner, Pct. 2
  - Heath Sims, Commissioner, Pct. 3
- 3.5 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and City of Garrett beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.6 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Avalon Independent School District beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.7 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and City of Ennis beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.8 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and Ennis Independent School District beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.9 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and City of Bardwell beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.10 Consideration and action to approve an Interlocal Cooperation Contract between County of Ellis and City of Alma beginning October 1, 2009 through September 30, 2010.
- Bill Dodson, Commissioner, Pct. 2
- 3.11 Consideration and action to approve the November 3, 2009 Election Presiding Judges and Alternate Judges and the number of clerks the presiding judge may hire.
- Jane Anderson, Elections Administrator
- 3.12 Consideration and action to approve the November 3, 2009 Election Presiding Judge of the Early Voting Ballot Board and clerks.
- Jane Anderson, Elections Administrator
- 3.13 Consideration and action to approve a contract between North Central Texas Council of Governments and Ellis County for the Cities Readiness Initiative project implementation and authorize the County Judge to sign the contract for the year running August 1, 2009 through July 31, 2010.
- John Patterson, Emergency Management Coordinator

- 3.14 Consideration and action to authorize Human Services to post a job announcement advertising for a Volunteer Coordinator for the Cities readiness Initiative project implementation and authorize the Emergency Management Coordinator to interview and, with approval from Human Services, hire a temporary employee for employment through the length of the contract for the year running August 1, 2009 through July 31, 2010.

- John Patterson, Emergency Management Coordinator

- 3.15 Consideration and action to execute an amended arbitration agreement authorizing a continuation 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 approve the purchase of a used 2008 Ford F150 pickup for Precinct 1. Purchase will be from Waxahachie Autoplex at a total cost of \$20,400.
- 4.2 To award a contract to Lindsey Construction for installing a 2 inch asphalt overlay on Victorian Drive located 3 ½ miles north of Waxahachie. Contract will be awarded based on pricing through TPASS (Texas Procurement and Support Services) and is the same rate given to TxDOT. Rate is \$64.42 per ton for approximately 1000 tons (\$64,420 total).
- 4.3 To declare a Hyster pad foot roller, 2000 Ford F250 Pickup and a 2002 Terex TV1400 as surplus for Precinct 3 and authorize disposal at auction.

#### 5. DEPARTMENT OF COUNTY DEVELOPMENT

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

- 5.1 To grant a one-time variance to County of Ellis Rules, Regulation and Specifications from 300' road frontage requirement as it relates to an individual water well and on-site sewage facility, 310 Grainery Road, Efrain Morales, Pct. 2

#### 6. RECESS TO CONVENE TO EXECUTIVE SESSION

#### 7. EXECUTIVE SESSION

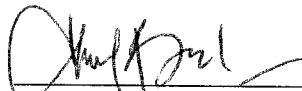
“The Commissioners’ Court of Ellis County reserves the right to adjourn into **Executive Session** at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Texas Government Code §551.071 or Section §551.072 of the Government Code, 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 or §551.072”

- 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".
- 7.2 Pursuant to Section §551.071 of the Government Code, consultation with counsel concerning Cause No. 71-181-00458-08; city of Midlothian and County of Ellis vs. Kehe Foods, presently pending before the American Arbitration Association.

8. **ADJOURNMENT OF EXECUTIVE SESSION**

9. **ADJOURNMENT**

Signed this the 24<sup>th</sup> day of September, 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 24<sup>th</sup> day of September, 2009, at 3:13 ~~a.m.~~/p.m.

Cindy Polley, County Clerk

By Jana 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.