

**ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // MAY 23, 2011**

FILED
JUN 13 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, MAY 23, 2011 AT 6:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS' COURTROOM, 101 WEST MAIN STREET (2ND FLOOR), WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED TO WIT:

PRESENT WERE:

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-MORAN, ASSISTANT COUNTY ATTORNEY

LEE AUVENSHINE, ASSISTANT COUNTY ATTORNEY

OPENING COURT:

THE COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO THE OPEN MEETINGS ACT

MOTION TO OPEN COURT BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER RON BROWN

CONSENT AGENDA:

MINUTE ORDER NO 200.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS;
- A2 APPROVAL OF THE HIRING OF A TEMPORARY CLERK I WITHIN THE ELLIS COUNTY AND DISTRICT ATTORNEY'S OFFICE. THIS POSITION WILL PAY \$9.00 PER HOUR AND BE FUNDED FROM LINE ITEM TITLE IV-E LEGAL, NUMBER 001-0360-40612-00000-000, IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$7,000;
- A3 APPROVAL OF A STORAGE RENTAL AGREEMENT WITH A BIG TOY RV & MINI STORAGE;
- A4 APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WAXAHACHIE POLICE DEPARTMENT AND ELLIS COUNTY PERTAINING TO THE USE OF WAXAHACHIE'S PHYSICAL AGILITY/OBSTACLE COURSE LOCATED AT 1900 HOWARD ROAD;

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0060-40003, Misc. REIMBURSEMENTS TO 001-0060-50868, CONTRACT LABOR – DELTON AKE, DEPARTMENT OF DEVELOPMENT;
- F2 FROM 001-0375-50933, CONSULTING TO 001-0375-50802, COMPUTER – JOE WHITE, ENGINEER;
- F3 FROM 001-0375-50933, CONSULTING TO 001-0375-50801, SUPPLIES – JOE WHITE, ENGINEER;
- F4 FROM 004-0652-40004, RB2, SALE OF MATERIAL TO 004-0652-50807, RB2, GEN EXP – BILL DODSON, RB2;
- F5 FROM 005-0703-50807, GEN. Misc. TO 005-0703-50907, TIRES – HEATH SIMS, RB3;
- F6 FROM 006-0754-40010, SALE OF EQUIPMENT TO 006-0754-50885, SALES TAX – RON BROWN, RB4;
- F7 APPROVE REFUND OF OVERPAYMENT TO THE FOLLOWING ACCOUNTS FOR PAYMENT IN ERROR:

<u>REFUND TO BE ISSUED TO:</u>	<u>ACCOUNT</u>	<u>AMOUNT DUE</u>
RICHARD BARBER	227758	\$4,607.67

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY DELTON AKE, DIRECTOR DEPARTMENT OF DEVELOPMENT:

MINUTE ORDER NO 201.11 GRANTING A ONE-TIME VARIANCE FROM ELLIS COUNTY RULES, REGULATIONS AND SPECIFICATIONS FOR SUBDIVISIONS AND MANUFACTURED HOMES AS IT RELATES TO UTILITY EASEMENT/DRAINAGE/ BUILDING SET-BACK ON SIDE OF LOT 50, MISSION HILLS PHASE 4, JOHNNY AND MONICA CHAVEZ, PCT. 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 202.11 APPROVING PRELIMINARY PLAT – GARDEN ESTATES, 4 LOTS, WESTMORELAND ROAD, CONNIE L. SMADES, PCT. 4

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 203.11 ACCEPTING THE COMPLETED SUBDIVISION, ROCKETT RANCH, INCLUDING JOHN ROCKETT LANE AND COTTON GIN PASS, RON BARSON, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 204.11 RELEASING IRREVOCABLE LETTER OF CREDIT NO. 697 TO CITY BANK TEXAS, 7800 PRESTON ROAD, SUITE 201, PLANO, TX 75024 IN THE AMOUNT OF \$134,750 FOR THE COMPLETED INFRASTRUCTURE IN ROCKETT RANCH, JAMES SHUKIS, PCT. 1

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY HANNA MCCLEARY, INTERIM PURCHASING AGENT:

MINUTE ORDER NO 205.11 DECLARING LAW LIBRARY BOOKS AS SURPLUS (SEE ATTACHED LIST)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 206.11 DECLARING 21 POLICE CRUISERS AS SURPLUS (SEE ATTACHED LIST)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 207.11 APPROVING THE SALE OF ONE OR MORE POLICE CRUISERS TO THE CITY OF MILFORD POLICE DEPARTMENT

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 208.11 APPROVAL TO EXTEND THE CONTRACT AGREEMENT WITH PEARMAN OIL & GAS FOR CONVENIENCE STORE GASOLINE FOR THE PERIOD STARTING MAY 23, 2011 THROUGH DECEMBER 31, 2011 WITH EXTENSION OF ONE (1) ADDITIONAL TWELVE-MONTH PERIOD

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

ADMINISTRATIVE:

MINUTE ORDER NO 209.11 APPROVING A PROCLAMATION RECOGNIZING GLEN MOORE, TEXAS AGRILIFE EXTENSION AGENT, FOR 35 YEARS SERVICE TO ELLIS COUNTY

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 210.11 AUTHORIZING COUNTY JUDGE TO SIGN A CONTRACT WITH WEST PUBLISHING FOR THE DISTRICT COURT JUDGES, COUNTY COURT OF LAW JUDGES, AND COUNTY JUDGE TO USE WESTLAW NEXT SELECT. THE YEARLY INCREASE WILL BE \$678. THE CONTRACT TERM IS FOR 3 YEARS WITH A NON-APPROPRIATION CLAUSE.

(ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 211.11 APPROVING A CONTRACT AND ADDENDUM WITH AIM HEALTHCARE SERVICES FOR RECOVERY OF POTENTIAL OVERPAYMENTS RELATING TO ELLIS COUNTY INDIGENT HEALTH CARE, WITH A FEE CHARGED ONLY ON ANY MONIES RECOVERED AS A RESULT OF AIM'S EFFORTS

(DIANA BUCKLEY, HUMAN SERVICES)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 212.11 ACCEPTING THE RESIGNATION OF HENRY M. RHOADES, SR., EMERGENCY SERVICES DISTRICT #9

(DENNIS ROBINSON, COMMISSIONER PCT 1)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 213.11 ACCEPTING THE RESIGNATION OF SADIE TELEZ, EMERGENCY SERVICES DISTRICT #8

(BILL DODSON, COMMISSIONER PCT 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

MINUTE ORDER NO 214.11 APPOINTING RONNIE GATLIN SR., TO THE BOARD OF ELLIS COUNTY EMERGENCY SERVICE DISTRICT #8

(BILL DODSON, COMMISSIONER PCT 2)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN CARRIES UNANIMOUSLY

MINUTE ORDER NO 215.11 APPROVAL TO HIRE RCC CONSULTANTS, INC. TO ASSIST IN THE DEVELOPMENT OF NEEDED TWO-WAY RADIO SYSTEM IMPROVEMENTS, AND TO REQUEST A CONTRACT FROM RCC CONSULTANTS (KATHY ERIKSEN, PROJECTS COORDINATOR)

KEN ISOM ADDRESSED THE COURT

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 216.11 CANCELING THE CONTRACT FOR MAINTENANCE WITH KONE ON THE ELEVATOR LOCATED AT THE HISTORIC COURTHOUSE.

(ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

MINUTE ORDER NO 217.11 APPROVAL TO ENTER INTO A FIVE (5) YEAR MAINTENANCE CONTRACT WITH KONE ON ELEVEN (11) ELEVATORS: SIX (6) LOCATED AT 109 S. JACKSON (3 JAIL AND 3 COURT), TWO (2) LOCATED IN THE NEW JAIL ADDITION, THREE (3) LOCATED AT 300 S. JACKSON

(ANN MONTGOMERY-MORAN, ASSISTANT COUNTY ATTORNEY)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

No Action: 4.10 CONSIDERATION AND ACTION TO APPROVE THE COUNTY'S BASIC PLAN AND FUNCTIONAL ANNEXES THAT MAKE UP THE COUNTY'S EMERGENCY OPERATIONS PLAN AND AUTHORIZE THE COUNTY JUDGE TO SIGN THE ELLIS COUNTY EMERGENCY OPERATIONS BASIC PLAN AND AUTHORIZE THE EMERGENCY MANAGEMENT COORDINATOR TO CIRCULATE ANNEXES TO COUNTY DEPARTMENTS AND DISASTER PARTNERS FOR THEIR REVIEW AND APPROVAL. THIS PLAN COMPLIES WITH GOVERNMENT CODE, CHAPTER 418, SECTION 106, AS AMENDED. THE BASIC PLAN OUTLINES AND GIVES GUIDANCE FOR EMERGENCY OPERATIONS WHILE IT DESCRIBES EMERGENCY RESPONSE ORGANIZATION AND ASSIGNS RESPONSIBILITIES FOR VARIOUS EMERGENCY TASKS.

- JOHN PATTERSON, EMERGENCY MANAGEMENT

MINUTE ORDER NO 218.11 AUTHORIZING JUDGE BUSH TO EXTEND AN OFFER OF EMPLOYMENT FOR POSITION OF PURCHASING AGENT (CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (6:44 PM)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON CARRIES UNANIMOUSLY

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, 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."

- 5.1 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."
- 5.2 PURSUANT TO SECTION 551.074 OF THE GOVERNMENT CODE, CONSULTATION WITH LEGAL COUNSEL TO DELIBERATE THE APPOINTMENT, EMPLOYMENT AND/OR DUTIES OF A PURCHASING AGENT.

ADJOURNMENT OF EXECUTIVE SESSION (7:00 PM)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF MAY 23, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE

absent

DENNIS ROBINSON, COMMISSIONER PCT 1



HEATH SIMS, COMMISSIONER, PCT 3

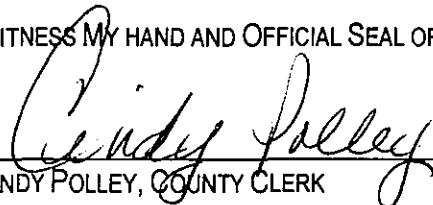


BILL DODSON, COMMISSIONER, PCT 2



RON BROWN, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS JUNE 13, 2011.



CINDY POLLEY, COUNTY CLERK