

ELLIS COUNTY COMMISSIONERS' COURT
OFFICIAL MINUTES // AUGUST 22, 2011

FILED
SEP 12 2011
COUNTY CLERK
ELLIS COUNTY, TEXAS

A REGULAR MEETING OF THE ELLIS COUNTY COMMISSIONERS' COURT WAS HELD ON MONDAY, AUGUST 22, 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 BROWN; MOTION CARRIES UNANIMOUSLY

INVOCATION AND PLEDGE OF ALLEGIANCE—COMMISSIONER DENNIS ROBINSON

CONSENT AGENDA:

MINUTE ORDER NO 282.11 APPROVING CONSENT AGENDA

ADMINISTRATIVE:

- A1 APPROVAL OF REGULAR BILLS, PAYROLL, AND OFFICERS' REPORTS
- A2 APPROVAL OF INVOICE #0027605-IN FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$9,350 FOR JULY 1, 2011 – JULY 31, 2011 AS PER THE CONSULTANT SERVICES AGREEMENT EFFECTIVE JUNE 27, 2011 (MINUTE ORDER 243.11) BETWEEN RCC AND ELLIS COUNTY
- A3 APPROVAL OF PATRICK M. WILSON'S SIGNING THE DISTRICT ATTORNEY CONTRACT WITH THE TRI-COUNTY AUTO BURGLARY AND THEFT PREVENTION TASK FORCE RELATING TO ASSET FORFEITURE CASES
- A4 APPROVAL OF THE COUNTY JUDGE'S CERTIFICATION OF AN ELLIS COUNTY ATTORNEY TITLE IV-E LEGAL SUPPORT CLAIM BUDGET FOR FY 2012
- A5 APPROVAL OF AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES AND ELLIS COUNTY IN COMPLIANCE WITH THE PROVISIONS OF THE INTERLOCAL COOPERATION ACT, CHAPTER 791, TEXAS GOVERNMENT CODE EFFECTIVE OCTOBER 1, 2011 THROUGH

SEPTEMBER 30, 2012 AND WILL AUTOMATICALLY RENEW FOR ONE FISCAL YEAR AT A TIME THROUGH SEPTEMBER 30, 2018

A6 APPROVAL OF THE JULY, 2011 TRAVEL REPORTS OF THE TEXAS AGRILIFE EXTENSION OFFICE -MARK
ARNOLD, AGRICULTURE

-PAGE BISHOP, 4-H

-RITA HODGES, FAMILY & CONSUMER SCIENCES

A7 PURSUANT TO SECTION 291.006 OF THE LOCAL GOVERNMENT CODE, TO APPROVE CONTRACT FOR NOTARY SERVICES TO BE PERFORMED AT THE ELLIS COUNTY LIBRARY AT NO COST TO ELLIS COUNTY

FINANCIAL:

APPROVING THE FOLLOWING BUDGET AMENDMENTS:

- F1 FROM 001-0050-50805, CONFERENCE TO 001-0050-50843, 4-H TRAVEL. - MARK ARNOLD, TXAGRILIFE
- F2 FROM 001-0360-40677, REVENUE-WITNESS FEE REIMBURSEMENT; 001-0360-40028, REVENUE - VIDEO FEES; 001-0360-40612, REVENUE - TITLE IV-E LEGAL TO 001-0360-50801, DA-SUPPLIES. -PATRICK WILSON, COUNTY & DISTRICT ATTORNEY
- F3 FROM 001-0370-50803, FURNITURE & FIXTURES; 001-0370-50805, CONFERENCE; 001-0370-50806, OFFICIAL BOND/DUES TO 001-0370-50601, TRAVEL; 001-0370-50801, SUPPLIES. - JOHN BRIDGES, TAX OFFICE
- F4 FROM 001-0375-50805, CONFERENCE TO 001-0375-50703, TELEPHONE. - JOE WHITE, ENGINEER
- F5 FROM 001-0390-50819, COMPUTER; 001-0390-50801, SUPPLIES; 001-0390-50703, TELEPHONE; 001-0390-50802, EQUIPMENT TO 001-0390-50805, CONFERENCE. - TERAL CRAWFORD, I.T.
- F6 FROM 003-0601-50807, RB1 GENERAL MISC. TO 003-0601-50915, RB1 ASPHALT. - DENNIS ROBINSON, RB1
- F7 FROM 004-0652-50502, RB2-WAGES; TO 004-0652-50911, RB2-GRAVEL; 004-0652-50915, RB2-ASPHALT. - BILL DODSON, RB2
- F8 FROM 005-0703-30302, FUND BALANCE TO 005-0703-50915, ASPHALT; 005-0703-50911, GRAVEL; 005-0703-50910; GAS/OIL. - HEATH SIMS, RB3
- F9 FROM 005-0703-50807, MISC. TO 005-0703-50907, TIRES. - HEATH SIMS, RB3
- F10 FROM 006-0754-50908, LUMBER; 006-0754-50805, CONFERENCE/DUES/BOND; 006-0754-40004, SALE OF MATERIAL; 006-0754-30302, FUND BALANCE CARRYOVER TO 006-0754-50910, GAS/OIL. - RON BROWN, RB4
- F11 FROM 009-0602-50807, FM1, GEN. MISC TO 009-0602-50910, FM1 FUEL; 009-0602-50909, FM1 REPAIRS/PARTS. - DENNIS ROBINSON, RB1
- F12 FROM 011-0704-50807, Misc.; 011-0704-50906, CULVERTS; 001-0704-50908, LUMBER; 011-0704-50914, SIGNS TO 011-0704-50915, ASPHALT. - HEATH SIMS, RB3
- F13 FROM 011-0704-50911, GRAVEL; 011-0704-50914, SIGNS; 011-0704-50807, Misc. TO 011-0704-50915, ASPHALT. - HEATH SIMS, RB3

SIMPLIFIED PLAT:

SP1 HARPER DRIVE SUBDIVISION, BLOCK 1, LOT 1 & 2, ANITA SMITH, PCT. 1.

SP2 AUSTIN ACRES TWO, BLOCK A, LOT 1, JOHN & LISA AUSTIN, PCT. 3.

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

DEPARTMENT OF COUNTY DEVELOPMENT

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

MINUTE ORDER NO 283.11 APPROVING REPLAT - SUNSET MEADOWS, PHASE

ONE, LOTS 3 & 4 OF BLOCK C, CHAD AND RACHAEL STARKS, PCT. 3

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

PURCHASING

CONSIDERATION AND ACTION REGARDING THE FOLLOWING PRESENTED BY ALISHA WICKENS, PURCHASING AGENT:

MINUTE ORDER NO 284.11 APPROVING AN INTERLOCAL AGREEMENT THAT WAS PREVIOUSLY ESTABLISHED ON APRIL 25TH, 2005 BETWEEN THE CITY OF PLANO AND ELLIS COUNTY TO PROVIDE FOR THE OPPORTUNITY TO PURCHASE LIKE GOODS AND SERVICES TO AVOID DUPLICATING PROCUREMENT EFFORTS AND TO OBTAIN THE BENEFITS OF VOLUME PURCHASING AS AUTHORIZED UNDER SECTION 271.102 OF THE LOCAL GOVERNMENT CODE AND APPROVAL TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT THROUGH THE CITY OF PLANO FOR INTERNET AUCTIONING SERVICES WITH RENE BATES AUCTIONEER, INC. THE CURRENT AGREEMENT IS IN EFFECT WITH THE CITY OF PLANO THROUGH AUGUST 30, 2012 WITH COMPENSATION IN THE AMOUNTS OF 7.5% COMMISSION OF THE TOTAL GROSS PROCEEDS.

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 285.11 APPROVAL TO EXECUTE THE PARTICIPATION AGREEMENT WITH JPMORGAN CHASE TO PROVIDE CREDIT CARD SERVICES FOR ELLIS COUNTY CONTINGENT UPON LEGAL REVIEW, PURSUANT TO THE COMMERCIAL CARD AGREEMENT DATED AUGUST 31, 2007 BETWEEN THE CITY OF FORT WORTH AND JPMORGAN CHASE (TEXAS PAYMENT CARD CONSORTIUM) TO PROVIDE COMMERCIAL CREDIT CARD SERVICES AND PURSUANT TO THE COOPERATIVE PURCHASING AGREEMENT BETWEEN THE CITY OF FORT WORTH AND ELLIS COUNTY, APPROVED BY COMMISSIONER'S COURT 8/16/11

MOTION TO APPROVE BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

ADMINISTRATIVE:

- 4.1 **UPDATE ON REDISTRICTING**, INCLUDING WHEN THE ELLIS COUNTY PLAN WILL BE FINALIZED AND SUBMITTED TO COMMISSIONERS COURT FOR FINAL APPROVAL AND THE STATUS OF ENNIS WARD LINES.

- KATHY, ERIKSEN, SPECIAL PROJECTS DIRECTOR

No ACTION: 4.2 CONSIDERATION AND ACTION TO APPROVE A TAX ABATEMENT ON REAL AND PERSONAL PROPERTY BETWEEN ELLIS COUNTY, TEXAS AND TRIUMPH AEROSTRUCTURES, LLC., FOR A 240,000 SQUARE FOOT INDUSTRIAL AND MANUFACTURING FACILITY ON APPROXIMATELY 28.661 ACRES OF LAND IN RED OAK, ELLIS COUNTY, TEXAS IN TAX ABATEMENT REINVESTMENT ZONE No. 2, TO SERVE AS AN AIRCRAFT MANUFACTURING FACILITY FOR A PERIOD OF AT LEAST TEN YEARS. THE TAXABLE VALUE OF THE LAND, IMPROVEMENTS AND TANGIBLE PERSONAL PROPERTY IS AT LEAST \$70,000,000. AT STARTUP, THE FACILITY IS EXPECTED TO EMPLOY 125 SKILLED TECHNICIANS AND ENGINEERS WITH FULL EMPLOYMENT RISING TO APPROXIMATELY 265 WITHIN FIVE YEARS. UNDER THE ELLIS COUNTY TAX ABATEMENT GUIDELINES, TRIUMPH AEROSTRUCTURES, LLC QUALIFIES FOR A 70% FOR A PERIOD OF SEVEN YEARS.

- CAROL BUSH, COUNTY JUDGE

MINUTE ORDER NO 286.11 APPROVING A PROCLAMATION RECOGNIZING DELTON AKE UPON HIS RETIREMENT (CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 287.11 APPROVING A JOINT ELECTIONS AGREEMENT AND CONTRACT FOR SERVICES FOR: 1) THE CITY OF GLENN HEIGHTS AND 2) BUENA VISTA BETHEL SPECIAL UTILITY DISTRICT FOR THE NOVEMBER 8, 2011 ELECTION. THE CONTRACT IS TO BE SIGNED BY THE ENTITY BOARD PRESIDENT OR MAYOR AND THE ELLIS COUNTY CONTRACTING OFFICER.

(JANE ANDERSON, ELECTIONS)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 288.11 APPROVING A CONTRACT BETWEEN THE NCTCOG FOR THE CITIES READINESS INITIATIVE PROJECT IMPLEMENTATION AND AUTHORIZING THE COUNTY JUDGE TO SIGN THE CONTRACT FOR THE YEAR RUNNING AUGUST 1, 2011 THROUGH JULY 31, 2012

(JOHN PATTERSON, ENGINEERING / EMERGENCY MANAGEMENT)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 289.11 AUTHORIZING COUNTY JUDGE CAROL BUSH TO SIGN AN INTERAGENCY AGREEMENT WITH TARLETON STATE UNIVERSITY FOR THE RURAL LAW ENFORCEMENT INITIATIVE

(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 290.11 AUTHORIZING JUDGE CAROL BUSH TO SIGN AN INTERAGENCY AGREEMENT WITH THE NORTH CENTRAL COUNCIL OF GOVERNMENT FOR THE RURAL LAW ENFORCEMENT INITIATIVE ANALYSIS PORTAL

(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 291.11 ENTERING INTO A CONTRACT WITH THE GARRATT CALLAHAN COMPANY TO PROVIDE CHEMICAL TREATMENT SERVICES FOR THE NEW AIR CONDITIONER UNITS ON THE WAYNE MCCOLLUM DETENTION CENTER

(CHUCK LAUBACH, SHERIFF'S OFFICE)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 292.11 APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND ELLIS COUNTY FOR E9-1-1 SERVICE, EQUIPMENT, ADDRESSING AND DATABASE MAINTENANCE EFFECTIVE SEPTEMBER 1, 2011 THROUGH AUGUST 31, 2013

(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 293.11 APPROVING THE SALARIES, EXPENSES AND ALLOWANCES OF ELECTED OFFICIALS FOR BUDGET FY 2011-2012, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §152.03

(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 294.11 DISCUSSING THE TAX RATE FOR BUDGET FY 2011-2012 AND TAKING RECORD VOTE TO PLACE THE PROPOSAL TO ADOPT THE RATE NOT TO EXCEED .413599% AT A FUTURE MEETING

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER SIMS; MOTION CARRIES UNANIMOUSLY

VOTING YES – COMMISSIONER ROBINSON, COMMISSIONER DODSON, COMMISSIONER SIMS, JUDGE BUSH, COMMISSIONER BROWN

MINUTE ORDER NO 295.11 SETTING THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR BUDGET FY 2011-2012, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE §111.007, AS FOLLOWS:

WEDNESDAY, SEPTEMBER 21, 2011, 10:00 AM
ELLIS COUNTY COMMISSIONERS COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER SIMS, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 296.11 SCHEDULING TWO (2) PUBLIC HEARINGS TO DISCUSS SETTING THE PROPOSED TAX RATE FOR THE BUDGET FY 2011-2012, AND SETTING TIME AND LOCATION OF SUCH PUBLIC HEARINGS, PURSUANT TO §26.06 TEXAS TAX CODE, AS FOLLOWS:

MONDAY, SEPTEMBER 12, 2011, 10:00 AM
ELLIS COUNTY COMMISSIONERS COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

AND

WEDNESDAY, SEPTEMBER 21, 2011, 10:00 AM
ELLIS COUNTY COMMISSIONERS COURTROOM
101 W. MAIN ST.
WAXAHACHIE, TX 75165

(CAROL BUSH, COUNTY JUDGE)

MOTION BY COMMISSIONER DODSON, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 297.11 APPROVING THE FY 2011-2012 PAYROLL SCHEDULE

(DIANA BUCKLEY, HUMANS SERVICES)

MOTION TO APPROVE BY COMMISSIONER SIMS, SECOND BY COMMISSIONER BROWN; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 298.11 APPROVING THE FY 2011-2012 HOLIDAY SCHEDULE

(DIANA BUCKLEY, HUMAN SERVICES)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER DODSON; MOTION CARRIES UNANIMOUSLY

MINUTE ORDER NO 299.11 APPROVING THE FY 2011-12 COMMISSIONERS' COURT SCHEDULE

(CAROL BUSH, COUNTY JUDGE)

MOTION TO APPROVE BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

RECESS TO CONVENE TO EXECUTIVE SESSION (7:44 P.M.)

MOTION BY COMMISSIONER ROBINSON, SECOND BY COMMISSIONER DODSON; MOTION 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 551.071 OF THE GOVERNMENT CODE, CONSULTATION WITH COUNSEL REGARDING CAUSE No. 66,519 HOLNAM TEXAS LIMITED PARTNERSHIP V. ECAD, ET. AL., AND ALL OTHER RELATED CASES, ALL OF WHICH ARE PENDING IN THE 40TH JUDICIAL DISTRICT COURT OF ELLIS COUNTY, TEXAS.
- 5.2 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."

ADJOURNMENT OF EXECUTIVE SESSION (8:01 P.M.)

MOTION BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON; MOTION CARRIES UNANIMOUSLY

ADJOURNMENT

MOTION TO ADJOURN BY COMMISSIONER BROWN, SECOND BY COMMISSIONER ROBINSON;
MOTION CARRIES UNANIMOUSLY

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT REGULAR MEETING OF AUGUST 22, 2011 ARE HEREBY APPROVED.

PRESIDING OFFICER:



CAROL BUSH, COUNTY JUDGE



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 SEPTEMBER 12, 2011.



CINDY POLLEY, COUNTY CLERK